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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/175,136	06/19/2002	Marlene C. Schwarz	02-077	5561
27774 7590 09/27/2010 MAYER & WILLIAMS PC 251 NORTH AVENUE WEST 2ND FLOOR WESTFIELD, NJ 07090			EXAMINER ROGERS, JAMES WILLIAM	
			ART UNIT 1618	PAPER NUMBER
			MAIL DATE 09/27/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

10175136



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SEP 27 2010

David B. Bonham
MAYER & WILLIAMS PC
251 NORTH AVENUE WEST
2ND FLOOR
WESTFIELD NJ 07090

In re Application of :
Schwartz :
Serial No.: 10/175,136 : PETITION DECISION
Filed: 19 June 2002 :
Attorney Docket No.: 02-007 :

This is in response to the petition under 37 CFR 1.181 and 1.144, filed 27 August 2010, requesting reconsideration of the restriction requirement and withdraw of the finality of the Office action mailed 16 April 2010.

BACKGROUND

This application is a national application filed under 35 U.S.C. 111(a) and, as such, would be considered for restriction under US practice in chapter 800 of the MPEP.

On 4 September 2008, after several rounds of prosecution on all pending claims on the merits, a pre-appeal conference prompted re-opening of prosecution.

On 5 November 2008, the examiner mailed an initial election of species requirement made amongst the already examined claims 1-23, 25-50 and 52-54.

On 23 March 2009, following applicant's election dated 5 February 2009 and submission of new claim 55, the examiner withdrew that initial election of species requirement and replaced it with a second election of species requirement.

On 17 June 2009, in a non-final action on the merits, the examiner withdrew claims 9, 11, 17, 19-24, 28-30 and 37 from consideration as being directed to a non-elected species. These claims had already been examined on the merits in previous Office actions. Claims 1-8, 10, 14-16, 18, 25-27, 31-36, 38-50 and 52-54 were examined on the merits. Claims 12 and 13 were not accounted for in the Office action.

On 18 December 2009, the examiner mailed a notice of non-responsive amendment because applicant's amendment had indicated that independent claim 11 was withdrawn from examination, but dependent claims 12 and 13 were not withdrawn from consideration.

On 16 April 2010, the examiner indicated that the elected species was allowable, and then withdrew claims 8, 11-23, 28-30 and 37 from consideration. Some of these newly withdrawn claims had been examined on the merits in 17 June 2009. In the body of the Office action, however, the examiner rejected withdrawn claims 14, 15, 17-19, for example under 35 U.S.C. 103. The action was made final.

On 27 August 2010, Applicants filed this petition.

DISCUSSION

The petition and file history have been carefully considered. The petition requests withdrawal of the restriction requirement mailed 23 March 2009 and withdraw of the finality of the action mailed 16 April 2010.

MPEP 803 provides the follow criteria for restriction between patentably distinct inventions:

There are two criteria for a proper requirement for restriction between patentably distinct inventions:

(A) The inventions must be independent (see MPEP § 802.01, §806.06, § 808.01) or distinct as claimed (see MPEP § 806.05 - §806.05(j)); and

(B) There would be a serious burden on the examiner if restriction is not required (see MPEP § 803.02, § 808, and § 808.02).

Concerning election of species requirements, Rule 37 CFR 1.146 states:

In the first action on an application containing a generic claim to a generic invention (genus) and claims to more than one patentably distinct species embraced thereby, the examiner may require the applicant in the reply to that action to elect a species of his or her invention to which his or her claim will be restricted if no claim to the genus is found to be allowable. However, if such application contains claims directed to more than a reasonable number of species, the examiner may require restriction of the claims to not more than a reasonable number of species before taking further action in the application.

Here, because the Office has already examined all the claims together on the merits through several rounds of prosecution, there would be no serious burden to continue to examine these claims. For this reason, the election of species requirements set forth on 5 November 2008 and 23 March 2009 are counter to the guidance in MPEP 803 and 37 CFR 1.146.

Because claims that had already been examined on the merits and should continue to be examined were withdrawn from examination in the Office actions mailed 17 June 2009 and 16 April 2010, those actions are incomplete. Accordingly, the finality of the Office action dated 16 April 2010 was not warranted.

DECISION

For these reasons, the petition is **GRANTED**.

The second election of species requirement mailed 23 March 2009 was withdrawn. Claims 1-23, 25-50 and 52-55 will be rejoined and examined together concurrently in this application.

The Office action mailed 16 April 2010 is incomplete for not addressing improperly withdrawn claims on the merits. The finality of the Office action dated 16 April 2010 has been withdrawn.

The application will be forwarded to the examiner for preparation of an Office action consistent with this decision.

Should there be any questions about this decision, please contact Quality Assurance Specialist Julie Burke, by letter addressed to Director, Technology Center 1600, at the address listed above, or by telephone at 571-272-0512 or by facsimile sent to the general Office facsimile number, 571-273-8300.



Remy Yucel
Director, Technology Center 1600



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LANDO & ANASTASI, LLP
ONE MAIN STREET, SUITE 1100
CAMBRIDGE MA 02142

MAILED

SEP 16 2011

OFFICE OF PETITIONS

In re Patent No. 6,694,922
Issued: February 24, 2004
Application No. 10/175,162
Filed: June 18, 2002
Attorney Docket No. ELT-002CP

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ON PETITION

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed August 24, 2011.

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Further, it is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent regarding this patent. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

THOMAS M. GALGANO
20 W. PARK AVENUE, SUITE 204
LONG BEACH, NY 11561

MAILED

AUG 08 2011

OFFICE OF PETITIONS

In re Patent No. **6,880,783**
Issue Date: April 19, 2005
Application No. 10/175,237
Filed: June 18, 2002
Attorney Docket No. **1182-49**

NOTICE UNDER 37 CFR 1.28(c)

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

There is no indication that the petition is signed by a registered patent attorney or patent agent of record. However, in accordance with 37 CFR 1.34, the signature of Mr. Stephen H. Eland appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts. If, Mr. Eland desires to receive correspondence regarding this file, the appropriate power of attorney documents must be submitted. A courtesy copy of this decision is being mailed to Mr. Eland, the petitioner herein. However, until otherwise instructed, all future correspondence regarding this application file will be directed solely to the above-noted correspondence address of record.

Inquiries related to this communication should be directed to the undersigned at (571) 272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **STEPHAN H. ELAND**
DANN DORFMAN HERRELL & SKILLMAN
1601 MARKET STREET, SUITE 2400
PHILADELPHIA, PA 19103-2307



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**MAGINOT, MOORE & BECK LLP
CHASE TOWERS
111 MONUMENT CIRCLE
SUITE 3250
INDIANAPOLIS IN 46204-5109**

**MAILED
JAN 13 2011
OFFICE OF PETITIONS**

In re Application of
Dietmar STRAEUSSNIGG
Application No. 10/175,332
Filed: June 19, 2002
Docket No. 8074-14 (S1909 GC/STA)

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: DECISION ON PETITION
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This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 6, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, November 16, 2005, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 17, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1620; and (3) and the required statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to Technology Center AU 2611 for appropriate action by the Examiner in the normal course of business.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions



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STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

In re Patent No.: 7,089,478
Issue Date: August 8, 2006
Appl. No: 10/175,346
Filed: June 20, 2002
For: Correction of Inventorship

This is a decision on the petition filed February 18, 2011, to correct inventorship under 37 CFR 1.324.

The petition is **GRANTED**.

The patented filed is being forwarded to Certificate of Corrections Branch for issuance of a certificate naming only the actual inventor or inventors.

/Jeffrey A. Gaffin/

Jeffrey A. Gaffin
Supervisory Patent Examiner
Technology Center 2100



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

In re Patent No.: 7,089,478
Issue Date: August 8, 2006
Appl. No: 10/175,346
Filed: June 20, 2002
For: Correction of Inventorship

This is a decision on the petition filed February 18, 2011, to correct inventorship under 37 CFR 1.324.

The petition is **GRANTED**.

The patented filed is being forwarded to Certificate of Corrections Branch for issuance of a certificate naming only the actual inventor or inventors.

/Jeffrey A. Gaffin/

Jeffrey A. Gaffin
Supervisory Patent Examiner
Technology Center 2100



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In re Patent No. 7210783 :
Issue Date: May 1, 2007 :
Application No. 10175552 :DECISION GRANTING PETITION
Filed: June 18, 2002 :UNDER 37 CFR 1.378(c)
Attorney Docket No. 48587/JWP/C766 :

This is a decision on the electronic petition, filed June 28, 2011, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of June 28, 2011. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
7,210,783	2007-05-01	10/175,552	2002-06-18	HO-P02541US2

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|---------------------------------|-----|--------|
| <input type="radio"/> 3 ½ year | | (1551) |
| <input type="radio"/> 7 ½ year | | (1552) |
| <input type="radio"/> 11 ½ year | | (1553) |

Small Entity

- | | Fee | Code |
|---|-----|--------|
| <input checked="" type="radio"/> 3 ½ year | | (2551) |
| <input type="radio"/> 7 ½ year | | (2552) |
| <input type="radio"/> 11 ½ year | | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/John E. Schneider/	Date (YYYY-MM-DD)	2011-06-28
Name	John E. Schneider	Registration Number	31998
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
7179167	2007-02-20	10175598	2002-06-18	DEKELL02-03

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|---------------------------------|-----|--------|
| <input type="radio"/> 3 ½ year | | (1551) |
| <input type="radio"/> 7 ½ year | | (1552) |
| <input type="radio"/> 11 ½ year | | (1553) |

Small Entity

- | | Fee | Code |
|---|-----|--------|
| <input checked="" type="radio"/> 3 ½ year | | (2551) |
| <input type="radio"/> 7 ½ year | | (2552) |
| <input type="radio"/> 11 ½ year | | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/Robert Ryan Morishita/	Date (YYYY-MM-DD)	2012-01-05
Name	Robert Ryan Morishita	Registration Number	42907
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

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The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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In re Patent No.	7179167	:
Issue Date:	February 20, 2007	:
Application No.	10175598	:DECISION GRANTING PETITION
Filed:	June 18, 2002	:UNDER 37 CFR 1.378(c)
Attorney Docket No.	DEKELL02-03	:

This is a decision on the electronic petition, filed January 5, 2012, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of January 5, 2012. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 08/31/10

TO SPE OF : ART UNIT 2625

SUBJECT : Request for Certificate of Correction for Appl. No 10/176853 : 7170624

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)

**Should the change(s)
Be made?**

RoChaun Johnson

Certificates of Correction Branch

571 272-0470

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes do not apply.

☐ **Denied**

State the reasons for denial below.

Comments: All changes apply

/Chan S. Park/

2625

Acting **SPE**

Art Unit



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Kirschstein, Ottinger, Israel & Schiffmiller, P.C.
489 Fifth Avenue
New York NY 10017-6105

MAILED

OCT 03 2011

OFFICE OF PETITIONS

In re Patent No. 6,698,109 :
Issued : March 2, 2004 : ON PETITION
Application No. 10/177,000 :
Filed: June 19, 2002 :
Attorney Docket No. ESO/SLIPPER-5 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



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SORIN ROYER COOPER LLC
TWO TOWER CENTER BOULEVARD, 11TH FLOOR
EAST BRUNSWICK NJ 08816

MAILED

AUG 22 2011

OFFICE OF PETITIONS

In re Application of
Carron, et al.
Application No. 10/177,194
Filed: 21 June, 2002
Attorney Docket No. 1477-00004

:
:
:
:
:

DECISION

This is a decision on the petition filed on 25 July, 2011, for revival of an application abandoned due to unintentional delay pursuant to 37 C.F.R. §1.137(b).

NOTE:

This application is being revived solely for purposes of continuity.

Because continuity has been established by this decision, the application is again abandoned in favor of divisional Application No. 13/160,985.

The petition pursuant to 37 C.F.R. §1.137(b) is **GRANTED**.

**As to the Allegations
of Unintentional Delay**

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement and/or showing of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II).

BACKGROUND

Petitioner failed to reply timely and properly to the non-final Office action mailed on 20 December, 2010, with reply due absent extension of time on or before 20 March, 2011.

Application No. 10/177,194

The application went abandoned by operation of law after midnight 20 March, 2011.

The Office mailed the Notice of Abandonment on 28 June, 2011.

On 25 July, 2011, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.137(b), with fee, pointed to a reply in the form of divisional Application No. 13/160,985 filed on 15 June, 2011, and made the statement of unintentional delay.

As noted above, continuity having been established, the instant application is abandoned in favor of the above-described divisional application.

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c) as to the showing regarding unintentional delay and a petition pursuant to 37 C.F.R. §1.137(b).

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.¹

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to revive an application if the delay is shown to the satisfaction of the Commissioner to have been “unavoidable.” 35 U.S.C. §133 (1994).²

The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and, by definition, are not intentional.³))

¹ See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See *Changes to Patent Practice and Procedure*, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

² 35 U.S.C. §133 provides:

35 U.S.C. §133 Time for prosecuting application.

Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

³ Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

As to Allegations of
Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

It appears that the requirements under the rule have been satisfied.

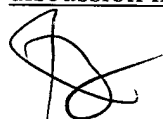
CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to the Technology Center/AU 1641 for further processing in due course as required to establish continuity before being abandoned in favor of the divisional described above.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the TC/AU in response to this decision. It is noted that all inquiries with regard to status need be directed to the TC/AU where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2⁴) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

⁴ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



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In re Patent No. 7132962
Issue Date: November 7, 2006
Application No. 10177712
Filed: June 20, 2002
Attorney Docket No. 5306P085

:

:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)

:

This is a decision on the electronic petition, filed December 22, 2010, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of December 22, 2010. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
7,132,962	2006-11-07	10/177,712	2002-06-20	OIC0271US

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|----------------------------------|-----------|--------|
| <input checked="" type="radio"/> | 3 ½ year | (1551) |
| <input type="radio"/> | 7 ½ year | (1552) |
| <input type="radio"/> | 11 ½ year | (1553) |

Small Entity

- | | Fee | Code |
|-----------------------|-----------|--------|
| <input type="radio"/> | 3 ½ year | (2551) |
| <input type="radio"/> | 7 ½ year | (2552) |
| <input type="radio"/> | 11 ½ year | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.


Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/Eric A. Stephenson/	Date (YYYY-MM-DD)	2010-12-22
Name	Eric A. Stephenson	Registration Number	38321
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Issue Classification 	Application/Control No.	Applicant(s)/Patent under Reexamination	
	10/177,727	SHEN ET AL.	
	Examiner	Art Unit	
	FRANK LU	1634	

ISSUE CLASSIFICATION									
ORIGINAL					CROSS REFERENCE(S)				
CLASS		SUBCLASS			CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)			
435		6			91.1	91.2	91.51	287.2	
INTERNATIONAL CLASSIFICATION					536	23.1	24.3	24.33	
C	1	2	Q	1/68					
C	1	2	P	19/34					
C	1	2	M	1/34					
C	0	7	H	21/02					
C	0	7	H	21/04					
(Assistant Examiner) (Date)					/Frank W Lu/ 3/21/2011 (Primary Examiner) (Date)				
(Legal Instruments Examiner) (Date)									
					Total Claims Allowed: 22				
					O.G. Print Claim(s) 1				
					O.G. Print Fig. None				

<input type="checkbox"/> Claims renumbered in the same order as presented by applicant				<input type="checkbox"/> CPA				<input checked="" type="checkbox"/> T.D.				<input type="checkbox"/> R.1.47			
Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original		
1	1		1		61		91		121		151		181		
2	2		2		62		92		122		152		182		
5	3		3		63		93		123		153		183		
	4		4		64		94		124		154		184		
	5		5		65		95		125		155		185		
	6		6		66		96		126		156		186		
	7		7		67		97		127		157		187		
	8		8		68		98		128		158		188		
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	22		22		82		112		142		172		202		
12	23		23		83		113		143		173		203		
6	24		24		84		114		144		174		204		
4	25		25		85		115		145		175		205		
	26		26		86		116		146		176		206		
	27		27		87		117		147		177		207		
	28		28		88		118		148		178		208		
	29		29		89		119		149		179		209		
	30		30		90		120		150		180		210		



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STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

MAILED

JAN 04 2011

OFFICE OF PETITIONS

In re Application of	:
Alpimir et al.	:
Application Number: 10/177,796	: DECISION ON PETITIONS
Filing or 371(c) Date: 06/19/2002	: UNDER 37 CFR 1.78(a)(3) AND (a)(6)
Attorney Docket Number: 2222.4340004	:

This is a decision on the petition filed on September 30, 2010, which is treated as renewed petitions under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), to accept an unintentionally delayed claim under 35 U.S.C. §§120 and 119(e) for the benefit of the prior-filed applications set forth in the concurrently-filed amendment and Application Data Sheet.

The petitions are **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

- (1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further, the nonprovisional or international applications claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional applications.

All the above requirements having been satisfied, the late claim for benefit of priority under 35 U.S.C. §§ 120, 365(c), and 119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§120 and 1.78(a)(1) and (a)(2) and under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed applications, accompanies this decision on petition.

Any questions concerning this matter may be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 3622 for consideration by the examiner of the claim under 35 U.S.C. §§120 and 119(e) of the prior-filed nonprovisional and provisional applications.



Christopher Bottorff
Supervisor
Office of Petitions

ATTACHMENT : Corrected Filing Receipt



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United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
10/177,796	06/19/2002	3622	3794	2222.4340004	41	2

CONFIRMATION NO. 6184

CORRECTED FILING RECEIPT

26111

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005



OC000000045087880

Date Mailed: 01/04/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Ahmet Alpdemir, San Jose, CA;
Arthur James, San Jose, CA;

Power of Attorney: The patent practitioners associated with Customer Number 26111

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/299,369 06/19/2001
and is a CON of 09/818,258 03/26/2001 ABN
which claims benefit of 60/219,079 07/18/2000
and is a CIP of 09/534,700 03/24/2000 PAT 6,658,389

Foreign Applications

If Required, Foreign Filing License Granted: 07/17/2002

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/177,796**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Voice-interactive marketplace providing time and money saving benefits and real-time promotion publishing and feedback

Preliminary Class

705

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 WILLIS TOWER
CHICAGO IL 60606-6357

MAILED
JUN 21 2011
OFFICE OF PETITIONS

In re Patent No. 7,510,707	:	
Issue Date: March 31, 2009	:	
Application No. 10/178,389	:	ON PETITION
Filed: June 24, 2002	:	
Attorney Docket No. 29636/38614	:	

This is a decision on the petition filed February 24, 2010, which will be treated as a request under 37 CFR 3.81(b) to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **DISMISSED**.

37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(h) of this chapter.

Petitioner requests issuance of a certificate of correction in the name of "Mt. Sinai School of Medicine of New York University". In view of the file record the assignment recorded on August 22, 2002 was in the name of Mt. Sinai School of Medicine. Accordingly, a certificate of correction would not be proper.

A petition under 37 CFR 3.81 requires a fee of \$130. This fee will be charged to petitioner's deposit account.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: Customer Service Window
 Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By fax: (571) 273-8300
 ATTN: Office of Petitions

Telephone inquiries related to this decision should be directed to the Kimberly Inabinet at (571) 272-4618.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : November 4, 2010

TO SPE OF : ART UNIT 2614

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/178400 Patent No.: 7711134

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square Building
2800 South Randolph Street
Arlington, VA 22206

Magdalene Talley

Certificates of Correction Branch
(571)272-0XXX

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☐ **Approved**

All changes apply.

☒ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: The equation for the constant c in claims 5, 19, 28, 34 and 49 is not corresponding to the equation in the original specification.

The equations for $v(x)$ in figure 7, claims 4, 18, 27, 33, 46, 48 and 61 is ok.

The correction in claim 16 is ok.

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United States Patent and Trademark Office
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October 27, 2010

Phouphanomketh Ditthavong
Ditthavong Mori & Steiner, P.C.
918 Prince Street
Alexandria, VA 22314

Patent No. : 7,761,531 B2
Ser. No. : 10/178,423
Inventor(s) : Kent Johnson, et al.
Issued : July 20, 2010
Docket No. : P3398US00
Title : METHOD AND APPARATUS FOR PROVIDING REMOTE ACCESS OF PERSONAL DATA

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing incorrect or erroneous assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 (*see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481*). This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

- A. the processing fee set forth in 37 CFR 1.17(i) (currently \$130);
- B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
- C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-0025
ATTN: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

/Virginia Tolbert/
Virginia Tolbert
For Mary Diggs
Decisions & Certificates
of Correction Branch
(571) 272-0460 or (703) 756-1814

vt



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Alexandria, VA 22313-1450
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DITTHAVONG MORI & STEINER, P.C.
918 PRINCE STREET
ALEXANDRIA VA 22314

MAILED

MAY 05 2011

OFFICE OF PETITIONS

In re Patent No. 7,761,531
Application No. 10/178,423
Filed: June 24, 2002
Issued: July 20, 2010
Attorney Docket No. P3398US00

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:

ON PETITION

This is a decision on the petition filed February 10, 2011, which is being treated as a request under 37 CFR 3.81(b)¹ to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

This matter is being referred to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3206. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

Liana Walsh
Petitions Examiner
Office of Petitions

¹ See MPEP 1309, subsection II; and Official Gazette of June 22, 2004.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/178,515	06/25/2002	Manabu Furuya	Q70426	1109

23373	7590	02/01/2011
SUGHRUE MION, PLLC		
2100 PENNSYLVANIA AVENUE, N.W.		
SUITE 800		
WASHINGTON, DC 20037		

EXAMINER	
COBURN, CORBETT B	

ART UNIT	PAPER NUMBER
3714	

NOTIFICATION DATE	DELIVERY MODE
02/01/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

sughrue@sughrue.com
PPROCESSING@SUGHRUE.COM
USPTO@SUGHRUE.COM



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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of:
FURUYA, MANABU
Serial No. 10/178,515
Filed: June 25, 2002
Docket: Q70426

Title: GAME DEVICE, AND METHOD AND
PROGRAM FOR PROCESSING IMAGE
OF PERSON

DECISION ON PETITION

This is a decision on the renewed petition filed on May 24, 2010. Petitioner requests reconsideration of two previous decisions, mailed on February 29, 2008 and July 25, 2008, respectively. In particular, petitioner requests withdrawal of the holding of abandonment under 37 CFR § 1.181. Additionally, should the petition under 37 CFR § 1.181 be dismissed, the petitioner requests the renewed petition be considered under 37 CFR § 1.137 (b). This decision will only address the issues under 37 CFR § 1.181. No fee is required under this section.

The petition is denied.

The record shows that:

- 1). On September 1, 2005, the applicant submitted an appeal brief.
- 2). On December 2, 2005, the examiner issued a Notification of Non-Compliant Appeal Brief because the brief did not contain concise statements on the grounds of rejection and it was unclear whether claims were argued as a group or separately.
- 3). On January 3, 2006, the applicant responded with a replacement appeal brief.
- 4). On May 19, 2006, the application was abandoned because the non-compliant issues were not addressed within the set time frame (37 CFR §41.39(d) and MPEP 1215.04)).
- 5). On July 5, 2006, the applicant responded with a petition to withdraw holding of abandonment and alternatively revive the abandoned application.
- 6). On February 29, 2008, the petition was dismissed because a concise statement for grounds of rejection was not found, and the appeal brief was not compliant with 37 CFR 41.37(d) and MPEP 1215.04.
- 7). On April 29, 2008 the applicant submitted a third replacement brief, a petition to reconsider the holding of abandonment and alternatively revive the abandoned application.

- 8). On July 25, 2008, the renewed petition was granted in part. The request to accept the Appeal Brief filed on April 29, 2008 was accepted. The request to withdraw holding of abandonment was dismissed again.
- 9). On March 24, 2010, the Office of Petitions dismissed the petition of April 29, 2008 under 37 CFR §1.137(a) or (b) and 37 CFR § 1.183.
- 10). On May 24, 2010, the current renewed petition was filed to request reconsideration of the earlier decision mailed of July 25, 2008. Petitioner requests withdrawal the holding of abandonment because petitioner believes the replacement Appeal Briefs do comply with the requirements of 37 C.F.R. § 41.37. Therefore, petitioner opines that the subsequent holding of abandonment was improper.

Discussion and Decision

In the current renewed petition, petitioner argues that the replacement Appeal Brief is fully compliant with the requirements of 37 C.F.R. § 41.37; petitioner (a) has not been given adequate notice by the USPTO as to the requirements for, and more importantly the limitations on, a concise statement of each ground of rejection presented for review under 37 C.F.R. § 41.37(c) (1) (vi) and (b) was not advised of the deficiency in the Brief on Appeal with adequate particularity such that Petitioner and the examiner delayed in advising the applicant Petitioner that the Replacement Appeal Brief had any further deficiency that required correction.

The background of the chain of events was clearly stated in the earlier decision of February 29, 2008 and will not be repeated here. In response to petitioner's argument regarding the requirements of 37 C.F.R. § 41.37 and the sufficiency of notification, as indicated in the earlier decision of February 29, 2008, the guidelines are clearly explained in MPEP §1205. This guidance should have been sufficient to correct the deficiency regarding the statement of the grounds of rejection. With regard to the examiner's delay in notifying the applicant, the delay is regretted. However, this and other administrative delays cannot be applied as a reason to grant the petition under 37 CFR § 1.181. Attention is directed to MPEP 2730 for possible adjustments of patent terms due to administrative delays.

In the current renewed petition, petitioner requests that the Notice of Abandonment mailed on May 19, 2008 be withdrawn. Since there being no allowable claims, the appeal was properly dismissed. The examiner was correct in abandoning the application with the dismissal of the appeal in accordance with 37 CFR § 41.37(d) and MPEP 1215.04. Therefore, the holding of abandonment of the application was found proper as clearly explained in the previous decision mailed on February 29, 2008. The request to withdraw the abandonment will not be granted under 37 CFR §1.181. The current renewed petition for alternative relief under 37 CFR 1.137 (a) and (b) will be forwarded and considered by the Petitions Office.

Conclusion

For the forgoing reasons, the record shows that the examiner was in compliance with proper examining practice as set forth in M.P.E.P. §1205. Therefore, the holding of abandonment is appropriate. The relief requested by petitioner to withdraw the holding of abandonment will not


be granted under 37 CFR § 1.181. The renewed petition fails to add anything new that is persuasive to cause reversal of the previous decision.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision, 37 CFR 1.181(f). The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings. No extension of time under 37 CFR 1.136(a) is permitted. The petition to withdraw abandonment under 37 CFR 1.137(a) and (b) is now being forwarded to the Petitions Office for decision as requested by the petitioner. Petitioner's request for revival of the abandoned application under 37 CFR § 1.137 is not decided in this decision. The application is being forwarded to the Petitions Office for further consideration.

The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181" and directed to the Office of the Deputy Commissioner for Patent Examination Policy at Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450. See MPEP 1002.02(b).

Any inquiry regarding this decision should be directed to Henry Yuen, Special Program Examiner, at (571) 272-4856.

PETITION DENIED.



Donald T. Hajec, Director
Technology Center 3700



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2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

MAILED

FEB 08 2011

OFFICE OF PETITIONS

In re Application of
Manabu Furuya
Application No. 10/178,515
Filed: June 25, 2002
Attorney Docket No. Q70426

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ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed May 24, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notification of Non-Compliant Appeal Brief mailed, December 2, 2005, which set a shortened statutory period for reply of one (1) month. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 2, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an appeal brief that the Technology Center Director determined was compliant in his decision of July 25, 2008; (2) the petition fee of \$1500.00; and (3) an adequate statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6692.

This application is being referred to Technology Center AU 3714 for appropriate action by the Examiner in the normal course of business on the appeal brief received April 29, 2008.

Christopher Bottorff
Petitions Examiner
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

MAILED
JAN 18 2012
OFFICE OF PETITIONS

In re Application of
Manabu Furuya
Application No. 10/178,515
Filed: June 25, 2002
Attorney Docket No.: Q70426

ON PETITION

This is a decision on the "Renewed Request For Reconsideration of Petition Under 37 CFR 1.181 to Withdraw A Holding of Abandonment" filed April 1, 2011.

The request to overturn the decision refusing to withdraw the holding of abandonment dated February 1, 2011, is **DENIED**.

It was correctly determined that abandonment of the above cited application was proper. Contrary to petitioner's assertion, arguments were improperly presented in the section of the Appeal Brief titled "Grounds of Rejection to be Reviewed on Appeal." In providing further clarification to 37 C.F.R. 41.37, MPEP § 1205 stated that such arguments were improper. Therefore, petitioner's Brief was inconsistent with Office requirements.

Petitioner's assertion that MPEP section 1205 be referenced by the examiner in the Office action as opposed to section 1205.03 as referenced in the Office action of December 2, 2005 is noted. However, such represents a difference of opinion as to which part of the manual to refer to, the general section on Appeal (1205) or the specific section on noncompliant Appeal Brief and Amended Brief (1205.03). Reference to the specific section was an attempt on the examiner's part to be as helpful as possible and, hence, no issue is presented here. Moreover, petitioner admits that this section of the MPEP was published in August 2005, four months before the mailing of the Notification of Non-Compliant Appeal Brief, and the Office respectfully disagrees with petitioner's interpretation of MPEP § 1205. If additional guidance beyond the MPEP was required in order to file a complaint Appeal Brief, petitioner could have contacted the examiner or, in the event the examiner was unavailable, the examiner's supervisor.

The MPEP, at section 1205.02(vi), provides examples as to what would and would not be considered acceptable as the statement of the grounds of rejection. Petitioner, on

his own, chose to go beyond what was considered acceptable and as such bears the risk of the statement being considered an argument. Furthermore, the examiner clearly stated in the Notice of Non-Compliant Appeal Brief mailed December 2, 2005, "Applicant need not explain Examiner's rejection in this section. If explanation is needed, it should be confined to the argument section." Petitioner failed to follow the advice of the examiner. Withdraw of the holding of abandonment would be inappropriate under these circumstances.

In regard to the requested personal interview with Director Kappos or Commissioner Stoll, an interview with either the Director or Commissioner is not practical or necessary. This matter has been reviewed and fully considered by the undersigned, who has been properly delegated authority over this matter (MPEP 1002.02(b)(16).

A review of the record does not indicate that withdraw of the holding of abandonment is warranted. This application is no longer in an abandoned status since the application was revived under 37 C.F.R. 1.137(b). The Supplemental Appeal Brief filed April 29, 2008 has been forwarded to the examiner for consideration.

Telephone inquiries concerning this decision should be directed to Christopher Bottorff at (571) 272-6692.



Anthony Knight
Director
Office of Petitions



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BANNER & WITCOFF, LTD.
28 STATE STREET
SUITE 1800
BOSTON MA 02109-1701

MAILED

AUG 16 2010

In re Application of	:	OFFICE OF PETITIONS
Porter, et al.	:	
Application No. 10/179,088	:	ON APPLICATION FOR
Filed: June 25, 2002	:	PATENT TERM ADJUSTMENT
Attorney Docket No. 007320.00003	:	

This is in response to the "Request for Correction of PTA" filed March 31, 2010, which is properly treated under 37 CFR 1.705(b). Applicants submit that the correct patent term adjustment to be indicated on the patent is two thousand, four hundred and twenty-six (2,426) days, not nine hundred and ninety-one (991) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicants request this correction, in part, on the basis that the Office will take in excess of three years to issue this patent.

Relative to the any assertion that the Office will take in excess of 3 years of the filing date to issue this patent, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE.**

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the

initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicant is advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee¹.

To the extent that applicants otherwise requests reconsideration of the patent term adjustment at the time of the mailing of the notice of allowance, the application for patent term adjustment is **GRANTED to the extent indicated herein.**

The Office has updated the PALM and PAIR screens to reflect that the Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is two hundred and five (205) days. A copy of the updated PALM screen, showing the corrected determination, is enclosed.

¹ For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the 37 CFR 1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

A review of the application file history reveals that the adjustment to the patent term under 37 CFR 1.702(a)(1) and 37 CFR 1.703(a)(1) was not properly entered. The period of adjustment under 37 CFR 1.703(a)(1) was determined to be 1,114 days, with said period beginning August 16, 2003, and ending September 12, 2006, with the mailing of a Notice of Abandonment. It is noted that 37 CFR 1.702(a)(1) provides that:

(a) *Failure to take certain action within specified time frames.* Subject to the provisions of 35 U.S.C. 154(b) and this subpart, the term of an original patent shall be adjusted if the issuance of the patent was delayed due to failure of the Office to:

(1) Mail at least on of a notification under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151 not later than fourteen months after the date on which the application was filed under 35 U.S.C. 111(a) or fulfilled the requirements of 35 U.S.C. 371 in an international application;

A Notice of Abandonment is not a notification under 35 U.S.C. 132. The notification under 35 U.S.C. 132 is the restriction requirement mailed June 5, 2009. Accordingly, pursuant to 37 CFR 1.703(a)(1), the period of adjustment to the patent term is 2,111 days, with said period beginning August 26, 2003, and ending June 5, 2009. **The period of adjustment of 1,114 will be removed and a period of 2,111 days will be entered.**

Applicant further asserts that the period of reduction to the patent term of 123 under 37 CFR 1.704(b) is improper. Specifically, applicant states:

There was no chargeable Applicant delay in this case. The restriction requirement was mailed June 5, 2009. Applicant e-filed the restriction response on June 24, 2009. This was 19 days after the mailing of the restriction requirement. Thus, the PTA calculation which claims 123 days of Applicant delay is in error and should be removed from the record as it is incorrect.

Excerpt taken from "Request for Correction of PTA" filed March 31, 2010, p. 3.

Applicant's argument is well taken in this instance. A review of the application file history reveals that a response to the

restriction requirement mailed June 5, 2009, was filed June 24, 2009. Yet, PALM records indicate that the response was filed January 4, 2010. While an Information Disclosure Statement was filed January 4, 2010, the response under 37 CFR 1.704(b) to the restriction requirement was filed on June 24, 2009, within three months of the mailing of the restriction requirement. **The reduction to the patent term adjustment of 123 days is being removed accordingly.**

A period of adjustment to the patent term of 83 days will be entered pursuant to 37 CFR 1.702(a)(2) and 37 CFR 1.703(a)(2) for the failure to respond to the reply under 35 U.S.C. 132 filed June 24, 2009, within four months of the filing thereof. The Notice of Allowance responsive to the reply filed June 24, 2009, was not mailed until January 15, 2010, four months and 83 days after the reply under 35 U.S.C. 132 was filed on June 24, 2009. **Accordingly a period of adjustment of 83 days will be entered pursuant to 37 CFR 1.702(a)(2) and 37 CFR 1.703(a)(2).**

A review of the application history reveals that on June 4, 2009, a restriction requirement was mailed, to which applicants responded on June 24, 2009. On January 4, 2010, applicant filed an Information Disclosure Statement (IDS). 37 CFR 1.704(c)(8) provides that:

(c) Circumstances that constitute a failure of the applicant to engage in reasonable efforts to conclude processing or examination of an application also include the following circumstances, which will result in the following reduction of the period of adjustment set forth in § 1.703 to the extent that the periods are not overlapping:

(8) Submission of a supplemental reply or other paper, other than a supplemental reply or other paper expressly requested by the examiner, after a reply has been filed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date the initial reply was filed and ending on the date the supplemental reply or other such paper was filed.

The record does not support a conclusion that the Examiner expressly requested the filing of the IDS. Further review of the Information Disclosure Statement filed January 4, 2010, did

not reveal a proper statement under 37 CFR 1.704(d).²

Accordingly, pursuant to 37 CFR 1.704(c)(8), a period of reduction of 194 days will be entered with said period being calculated beginning on the day after the date the initial reply was filed, June 25, 2009, and ending on the date the supplemental reply was filed January 4, 2010.

A review of the application file history reveals that the subject application became abandoned on February 15, 2003, after applicants failed to respond to a notice mailed January 14, 2003. A Notice of Abandonment was mailed September 12, 2006. A petition under 37 CFR 1.137(b) was not filed until September 14, 2007. Pursuant to 37 CFR 1.704(c)(4), a period of reduction to the patent term adjustment of 277 days is warranted because applicants failed to file a petition to revive the application within two months from the mailing date of the notice of abandonment, with said period beginning on the day after the date two months from the mailing of the notice of abandonment, December 12, 2006, and ending on the date the petition to revive the application was filed, September 14, 2007. Further review of the file history reveals that a reduction to the patent term adjustment under 37 CFR 1.704(c)(3)(ii) of 1,795 days is also warranted, with said period beginning on the date of abandonment of the application, February 15, 2003, and ending on January 14, 2008. It is noted that period of reduction under 37 CFR 1.704(c)(4) entirely overlaps with the period of reduction under 37 CFR 1.704(c)(3). It is, therefore, appropriate to enter only the period of reduction to the patent term adjustment of 1,795 days. **A period of reduction to the patent term adjustment of 1,795 days will be entered accordingly.**

² 37 CFR 1.704(d) provides that:

(d) A paper containing only an information disclosure statement in compliance with §§ 1.97 and 1.98 will not be considered a failure to engage in reasonable efforts to conclude prosecution (processing or examination) of the application under paragraphs (c)(6), (c)(8), (c)(9), or (c)(10) of this section if it is accompanied by a statement that each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the information disclosure statement. This thirty-day period is not extendable.

In view thereof, the determination of the patent term adjustment at the time of the mailing of the notice of allowance is two hundred and five (205) days (2194 days of Office delay - 1989 days of applicant delay).

Deposit account 19-0733 will be charged \$200.00 fee for the set forth in 37 CFR 1.18(e). No additional fees are required.

Applicants are reminded that any delays by the Office pursuant to 37 CFR 1.702(a)(4) and 1.702(b) and any applicant delays under 37 CFR 1.704(c)(10) will be calculated at the time of the issuance of the patent and applicants will be notified in the Issue Notification letter that is mailed to applicants approximately three weeks prior to issuance.

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries regarding this specific matter should be directed to the undersigned (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure: Copy of REVISED PALM screen

PTA Calculations for Application: 10/179088			
Application Filing Date:	06/25/2002	PTO Delay (PTO):	1114
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	123
Post-Issue Petitions:	0	Total PTA (days):	205
PTO Delay Adjustment:	-786		

File Contents History					
Number	Date	Contents Description	PTO	APPL	START
52	08/11/2010	ADJUSTMENT OF PTA CALCULATION BY PTO		786	
38	01/15/2010	MAIL NOTICE OF ALLOWANCE			
37	01/11/2010	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
36	01/04/2010	ELECTRONIC INFORMATION DISCLOSURE STATEMENT			
35	01/11/2010	ISSUE REVISION COMPLETED			
34	01/11/2010	DOCUMENT VERIFICATION			
33	01/10/2010	EXAMINER'S AMENDMENT COMMUNICATION			
32	01/10/2010	NOTICE OF ALLOWABILITY			
31	01/08/2010	DATE FORWARDED TO EXAMINER			
30	01/06/2010	RESPONSE TO ELECTION / RESTRICTION FILED		123	25
29	01/04/2010	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
26	01/04/2010	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
25	06/05/2009	MAIL RESTRICTION REQUIREMENT			
24	06/04/2009	REQUIREMENT FOR RESTRICTION / ELECTION			
23	10/20/2008	MISCELLANEOUS INCOMING LETTER			
22	06/20/2008	MAIL NOTICE OF RESCINDED ABANDONMENT			
21	06/20/2008	NOTICE OF RESCINDED ABANDONMENT IN TCS			
20	06/20/2008	MAIL-PETITION TO REVIVE APPLICATION - GRANTED			
19	06/20/2008	PETITION TO REVIVE APPLICATION - GRANTED			
18	09/14/2007	PETITION ENTERED			
17	09/13/2007	CORRESPONDENCE ADDRESS CHANGE			
16	09/06/2007	CORRESPONDENCE ADDRESS CHANGE			
15	09/06/2007	CORRESPONDENCE ADDRESS CHANGE			
14	09/06/2007	CHANGE IN POWER OF ATTORNEY (MAY INCLUDE ASSOCIATE POA)			
13	09/12/2006	MAIL ABANDONMENT FOR FAILURE TO RESPOND TO OFFICE ACTION	1114		-1
12	09/01/2006	ABAND. FOR FAILURE TO RESPOND TO O. A.			
11	10/24/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
10	01/14/2003	MAIL NOTICE OF REQUIRED FEES DUE			
9	01/14/2003	NOTICE OF ADDITIONAL FEE DUE			
8	01/14/2003	CASE DOCKETED TO EXAMINER IN GAU			
7	08/07/2002	TRANSFER INQUIRY TO GAU			
6	08/06/2002	APPLICATION DISPATCHED FROM OIPE			
5	08/02/2002	APPLICATION IS NOW COMPLETE			
3	07/10/2002	IFW SCAN & PACR AUTO SECURITY REVIEW			
2	06/25/2002	INITIAL EXAM TEAM NN			

Search Another: Application# EXPLANATION OF PTA CALCULATIONEXPLANATION OF PTE CALCULATION

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CAMPBELL STEPHENSON LLP
11401 CENTURY OAKS TERRACE
BLDG. H, SUITE 250
AUSTIN TX 78758

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NOV 22 2011
OFFICE OF PETITIONS

In re Application of :
Victor Chau, et al. :
Application No. 10/179,128 : DECISION GRANTING PETITION
Filed: June 24, 2002 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. OIC0201US :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, November 17, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on September 23, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 3693 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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Paper No.

VIDAS, ARRETT &
STEINKRAUS, P.A.
SUITE 400
6640 SHADY OAK ROAD
EDEN PRAIRIE MN 55344

MAILED

AUG 03 2010

OFFICE OF PETITIONS

In re Application of	:	
Sowinski et al.	:	
Application No. 10/179,484	:	ON APPLICATION FOR
Filed: June 25, 2002	:	PATENT TERM ADJUSTMENT
Atty Docket No. S63.2-14435-US01	:	

This is in response to the Request for Reconsideration of Patent Term Adjustment, 37 C.F.R. § 1.705, filed May 10, 2010. Applicant submits that the correct patent term adjustment, to be indicated on the patent is one thousand three hundred nineteen (1319) days, not one hundred fifty-two (152) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction on the basis that the Office will take in excess of three years to issue this patent.

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE.**

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As

such, the Office cannot make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicant is advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee¹.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months

¹ For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the 37 CFR 1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3219..

A handwritten signature in black ink, appearing to read "Nancy Johnson", with a large, stylized initial "N" and a long horizontal flourish extending to the right.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions



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TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS, TX 75265

In re Application of
Timothy M. Schmidl, et al.
Application No. 10/179,592
Filed: June 25, 2002
Attorney Docket No.: TI-33217

ON PETITION

This is a decision in response to the petition, filed, April 19, 2011, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed September 1, 2010, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on December 2, 2010. A Notice of Abandonment was mailed on March 17, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of \$1,620; and (3) an adequate statement of unintentional delay.

This application is being referred to Technology Center AU 2467 for appropriate action by the Examiner in the normal course of business on the reply received April 19, 2011.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions



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Stoneman Law Patent Group
P.O. Box 40070
PHOENIX AZ 85067-0070

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OFFICE OF PETITIONS

In re Patent No. 7,212,873
Issued: May 1, 2007
Application No.: 10/179,598
Filed: June 25, 2002
Attorney Docket No: **P08167-2-T**

:
:
: NOTICE
:
:

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6512391	2003-01-28	10179771	2002-06-24	1016.0096

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|---------------------------------|-----|--------|
| <input type="radio"/> 3 ½ year | | (1551) |
| <input type="radio"/> 7 ½ year | | (1552) |
| <input type="radio"/> 11 ½ year | | (1553) |

Small Entity

- | | Fee | Code |
|---|-----|--------|
| <input type="radio"/> 3 ½ year | | (2551) |
| <input checked="" type="radio"/> 7 ½ year | | (2552) |
| <input type="radio"/> 11 ½ year | | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/Kevin L. Russell/	Date (YYYY-MM-DD)	2011-02-08
Name	Kevin L. Russell	Registration Number	38292
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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In re Patent No.	6512391	:
Issue Date:	January 28, 2003	:
Application No.	10179771	:DECISION GRANTING PETITION
Filed:	June 24, 2002	:UNDER 37 CFR 1.378(c)
Attorney Docket No.	TAL:1016.096	:

This is a decision on the electronic petition, filed February 8, 2011, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of February 8, 2011. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KING & SCHICKLI, PLLC
247 NORTH BROADWAY
LEXINGTON KY 40507

MAILED

JUL 12 2011

OFFICE OF PETITIONS

In re Patent No. 7,020,997 :
Issue Date: April 4, 2006 :
Application No. 10/179,944 :
Filed: June 25, 2002 :
Attorney Docket No. **660-001** :

ON PETITION

This is a decision on the petition under 37 CFR 1.378(c), filed June 17, 2011, to accept the delayed payment of a maintenance fee for the above-identified patent.

This patent expired at midnight April 4, 2010, for failure to pay the 3½ year maintenance fee. Since this petition was submitted within twenty-four months after the six-month grace period provided in 37 CFR 1.362(e), the petition was timely filed under the provisions of 37 CFR 1.378(c).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration under 37 CFR 1.378(e) must be filed within TWO (2) MONTHS from the mail date of this decision. No extension of this two-month time limit can be granted under 37 CFR 1.136(a) or (b). This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Any petition for reconsideration of this decision must be accompanied by the petition fee of \$400 as set forth in 37 CFR 1.17(f). The petition for reconsideration must include the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A petition to accept the unintentionally delayed payment of a maintenance fee under 35 U.S.C. 41(c) and 37 CFR 1.378(c) must be accompanied by: (1) a statement that the delay was unintentional; (2) payment of the appropriate maintenance fee, unless previously submitted; (3) payment of the surcharge set forth in 37 CFR 1.20(i)(2). This petition lacks item (1) above.

The statement of delay is not acceptable. In this regard, petitioner's attention is directed to 37 CFR 1.33(b), which states.

(b) Amendments and other papers. Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:

(1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);

(2) A registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34;

(3) An assignee as provided for under § 3.71(b) of this chapter; or

(4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

An unsigned amendment (or other paper) or one not properly signed by a person having authority to prosecute the application is not entered. This applies, for instance, where the amendment (or other paper) is signed by only one of two applicants and the one signing has not been given a power of attorney by the other applicant.

Therefore, as the petition is not signed by all the inventors and the record herein fails to disclose that petitioner herein (Norris L. Thomas) was ever given a power of attorney to act on behalf of inventor Martin B. Thomas, or that he is an assignee of the entire interest and has complied with the provisions of 37 CFR 3.73(b), the petition is considered to not contain a proper statement of unintentional delay.

As it appears that Mr. Thomas is signing on behalf of an assignee, compliance with 37 CFR 3.73(b) must be satisfied. In this regard, 37 CFR 3.73(b) provides:

(1) In order to request or take action in a patent or trademark matter, the assignee must establish its ownership of the patent or trademark property of paragraph (a) of this section to the satisfaction of the Director. The establishment of ownership by the assignee may be combined with the paper that requests or takes the action. Ownership is established by submitting to the Office a signed statement identifying the assignee, accompanied by either:

(i) Documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment * * * For patent matters only, the submission of the documentary evidence must be accompanied by a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or

(ii) A statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

(2) The submission establishing ownership must show that the person signing the submission is a person authorized to act on behalf of the assignee by:

(i) Including a statement that the person signing the submission is authorized to act on behalf of the assignee; or

(ii) Being signed by a person having apparent authority to sign on behalf of the assignee, *e.g.*, an officer of the assignee.

(c) For patent matters only:

(1) Establishment of ownership by the assignee must be submitted prior to, or at the same time as, the paper requesting or taking action is submitted.

(2) If the submission under this section is by an assignee of less than the entire right, title and interest, such assignee must

indicate the extent (by percentage) of its ownership interest, or the Office may refuse to accept the submission as an establishment of ownership.

In view of the above, and as it appears that Mr. Thomas is signing the statement of unintentional delay as an assignee, then compliance with 37 CFR 3.73(b) must be satisfied. A blank certificate under 37 CFR 3.73(b) is enclosed with this decision for petitioner's convenience.

As to item (1) above, the reply is considered defective also for the reasons stated above (that the paper (reply) must be signed by a proper party; *i.e.*, all the inventors or an assignee of the entire interest and, if signed by an assignee of the entire interest, must satisfy the provisions of 37 CFR 3.73(b).

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record

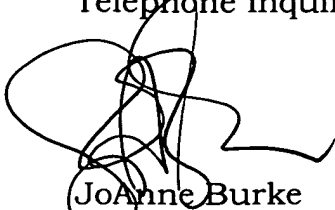
Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries should be directed to the undersigned at (571) 272-4584.

A handwritten signature in black ink, appearing to read 'JoAnne Burke', is written over the printed name.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Norris L. Thomas
1646 Lexington Road
Georgetown, KY 40324

Enclosure: A blank certificate under 37 CFR 3.73(b)



UNITED STATES PATENT AND TRADEMARK OFFICE

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KING & SCHICKLI, PLLC
247 NORTH BROADWAY
LEXINGTON KY 40507

MAILED
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OFFICE OF PETITIONS

In re Patent No. 7,020,997 :
Issue Date: April 4, 2006 :
Application No. 10/179,944 :
Filed: June 25, 2002 :
Attorney Docket No. **660-001** :

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.378(c), filed October 26, 2011 and supplemented on January 9, 2012, to accept the unintentionally delayed payment of a maintenance fee for the above-identified patent.

The petition is **GRANTED**.

This patent expired at midnight April 4, 2010, for failure to pay the 3½ year maintenance fee. Since this petition was submitted within twenty-four months after the six-month grace period provided in 37 CFR 1.362(e), the petition was timely filed under the provisions of 37 CFR 1.378(c).

The maintenance fee is hereby accepted and the above-identified patent is reinstated as of the mail date of this decision.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVE., N.W.
WASHINGTON, DC 20005

MAILED
SEP 24 2010
OFFICE OF PETITIONS

In re Application of :
Paul Krzyzanowski, et al. :
Application No.: 10/180,500 :
Filed: June 27, 2002 :
Attorney Docket No.: 2100.0030000 :

ON PETITION

This is a decision on the petition, filed September 23, 2010, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is not signed by an attorney of record. Nevertheless, in accordance with 37 CFR 1.34, the signature of Mr. Jason D. Eisenberg appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 12, 2010, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2457 for further processing of the Request for Continued Examination (RCE) under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



UNITED STATES PATENT AND TRADEMARK OFFICE

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1100 NEW YORK AVE., N.W.
WASHINGTON DC 20005

MAILED

MAR 22 2011

In re Application of	:	OFFICE OF PETITIONS
Krzyzanowski et al.	:	
Application No. 10/180,500	:	DECISION ON PETITION
Filed: June 27, 2002	:	
Attorney Docket No. 2100.0030000	:	

This is a decision on the petition, filed February 17, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application. In the alternative, petitioner has also filed a petition under 37 CFR 1.137(b).

The petition to withdraw the holding of abandonment is **Dismissed**.
The petition filed under 37 CFR 1.137(b) is **Granted**.

This application became abandoned for failure to timely submit corrected drawings, as required by the Notice of Allowability which was mailed October 6, 2010 and set a 3 month period for reply. Extensions of time were not available under 37 CFR §1.136(a). Accordingly, this application became abandoned on January 7, 2011. A Notice of Abandonment was mailed on January 24, 2011.

Petitioner maintains that the Notice of Abandonment was issued in error because all of the requirements for allowance were complied with in view of the Interview Summary and Notice of Allowability mailed January 5, 2010. Petitioner further contends that the language "authorization for this examiner's amendment was given in telephone interviews with Robert Sokohl on December 4, 2009 and December 14, 2009" was included in each subsequent Notice of Allowability. Thus petitioner contends this indicated that Applicants did not have any further action to take for Allowance. Lastly, applicants state that they are unaware of the mailing of July 31, 2010 correspondence referenced in the Notice of Allowability

Petitioner's argument has been considered but it is not convincing to establish the holding of abandonment should be withdrawn. The Notice of Allowability mailed on October 6, 2010 clearly states that applicant was required to submit corrected drawings within the three month period of reply to avoid abandonment. A review of the record shows that corrected drawings in response to the Notice of Allowability were not filed prior to the abandonment of the application. It is acknowledged that there does not appear to have been correspondence mailed on July 31, 2010. However, the Examiner's Amendment/Comments clearly stated that figure 8 needed to be amended. Further review of the record shows petitioner did not file any objections to the Notice of Allowability in writing.

Accordingly, the holding of abandonment cannot be withdrawn.

PETITION UNDER 37 CFR 1.137(b)

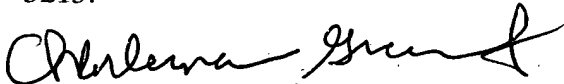
This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 17, 2011, to revive the above-identified application.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the corrected formal drawings, (2) the petition fee of \$1620.00; and (3) a proper statement of unintentional delay.

Pursuant to petitioner's request deposit account 19-0036 will be charged the \$1620.00 petition fee.

This application is being referred to the Office of Data Management for processing into a patent.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.



Charlema Grant
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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DEC 14 2010

OFFICE OF PETITIONS

Arnold & Porter LLP (24126)
Attn: SV Docketing Dept.
1400 Page Mill Road
Palo Alto CA 94304

In re Patent No. 7,696,319	:
Goddard et al.	:
Issue Date: April 13, 2010	: DECISION ON REQUEST FOR
Application No. 10/180,548	: RECONSIDERATION OF
Filed: June 25, 2002	: PATENT TERM ADJUSTMENT
Attorney Docket No. GNE-	: AND NOTICE OF INTENT
3430R1C144	: TO ISSUE CERTIFICATE OF
Title: PRO1772 ANTIBODIES	: CORRECTION
	:

This is a decision on the petition filed on June 7, 2010, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by five hundred twenty-eight (528) days.

The petition to correct the patent term adjustment indicated on the above-identified patent is **GRANTED**.

The period of adjustment to which the patent is entitled under 37 CFR 1.702(a) is 591 days.

The period of adjustment to which the patent is entitled under 37 CFR 1.702(b) is 388 days.

The time taken up by the notice of appeal is excluded from the period of B-delay pursuant to 37 CFR 1.703(b)(4) in connection with the Notice of Appeal filed April 5, 2006. The reduction of 105 days commenced April 5, 2006; the date that the Notice of Appeal was filed, and ended July 18, 2006, the day before the filing of the request for continued examination. See, 37 CFR 1.703(b)(4).

Patentee's delay totals 346 days.

In view thereof, the patent is entitled to an overall adjustment of 528 days.

The application is being forwarded to the Certificate of Corrections Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by five hundred twenty-eight (528) days.

The \$200.00 petition fee set forth in 37 CFR 1.18(e) has been assessed from deposit account no. 50-2387. No additional fees are required.

Telephone inquiries specific to this matter should be directed to Petitions Attorney, Charlema Grant at (571) 272-3215.



Anthony Knight
Director
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,696,319 B2

DATED : June 25, 2002

DRAFT

INVENTOR(S) : Goddard et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 633 days

Delete the phrase "by 633 days" and insert – by 528 days--



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Patent No. : 7157456
Ser. No. : 10/181051
Inventor(s) : STRAUB, ALEXANDER
Issued : 01/02/2007
Title : **SUBSTITUTED OXAZOLIDINONES AND THEIR USE IN THE FIELD OF BLOOD COAGULATION**
Docket No. : LE A 34122

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

In regards to the alleged error(s) on the Title Page In Notice, left column, at (*), a Petition under 35 USC 154(b) is required to recalculate the Patent Term Adjustment.

In view of the foregoing, your request, in this matter, is hereby denied.

The Petition request under 35 USC 154 (b) should be directed to the attention of:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

Omega Lewis
For Mary Diggs
Decisions & Certificates
Of Correction Branch
(703)756-1575 or (703) 756-1814

Christine M. Hansen, J.D.
CONNOLLY BOVE LODGE & HUTZ LLP
1007 North Orange Street
P.O. Box 2207
Wilmington, Delaware 19899

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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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In re Patent No. 6997653 :
Issue Date: February 14, 2006 :
Application No. 10181369 :DECISION GRANTING PETITION
Filed: July 18, 2002 :UNDER 37 CFR 1.378(c)
Attorney Docket No. 073840.0102 :

This is a decision on the electronic petition, filed February 13, 2012, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of February 13, 2012. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6997653	2006-02-14	10181369	2002-07-18	5288.DCP.MS

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|-----------------------|-----------|--------|
| <input type="radio"/> | 3 ½ year | (1551) |
| <input type="radio"/> | 7 ½ year | (1552) |
| <input type="radio"/> | 11 ½ year | (1553) |

Small Entity

- | | Fee | Code |
|----------------------------------|-----------|--------|
| <input checked="" type="radio"/> | 3 ½ year | (2551) |
| <input type="radio"/> | 7 ½ year | (2552) |
| <input type="radio"/> | 11 ½ year | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/Brett Peterson/	Date (YYYY-MM-DD)	2012-02-13
Name	Brett Peterson	Registration Number	58315
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6692203	2004-02-17	10181415	2002-07-23	0106-MP020

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|-----------------------|-----------|--------|
| <input type="radio"/> | 3 ½ year | (1551) |
| <input type="radio"/> | 7 ½ year | (1552) |
| <input type="radio"/> | 11 ½ year | (1553) |

Small Entity

- | | Fee | Code |
|----------------------------------|-----------|--------|
| <input type="radio"/> | 3 ½ year | (2551) |
| <input checked="" type="radio"/> | 7 ½ year | (2552) |
| <input type="radio"/> | 11 ½ year | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/Hyun Jong Park/	Date (YYYY-MM-DD)	2012-03-22
Name	Hyun Jong Park	Registration Number	59093
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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In re Patent No. 6692203 :
Issue Date: February 17, 2004 :
Application No. 10181415 :DECISION GRANTING PETITION
Filed: July 23, 2002 :UNDER 37 CFR 1.378(c)
Attorney Docket No. P68064USO :

This is a decision on the electronic petition, filed March 22, 2012, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of March 22, 2012. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.



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Allan M. Wheatcraft
W.L. Gore & Associates, Inc.
551 Paper Mill Road
P.O. Box 9206
Newark, DE 19714-9206

MAILED

FEB 16 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	
BOOTH, et al.	:	DECISION ON REQUEST
Application No.: 10/181,667	:	
PCT No.: PCT/EP2001/001142	:	UNDER 37 CFR 1.497(d)
Int. Filing Date: 02 February 2001	:	
Priority Date: 02 February 2000	:	
Attorney Docket No.: WC/463/PCT/US	:	
For: QUAD CABLE	:	

This decision is in response to applicant's "Renewed Petition Under 37 CFR § 1.497(d)" filed 28 November 2007 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 14 November 2007, applicant was mailed a decision granting applicant's petition under 37 CFR 1.181 to withdraw the holding of abandonment in the application. Applicant was also forwarded a copy of a decision originally mailed 28 July 2003 dismissing applicant's petition under 37 CFR 1.497(d). Applicant was afforded two months from 14 November 2007 to file any request for reconsideration.

On 28 November 2007, applicant filed the present renewed petition.

DISCUSSION

As detailed in the decision mailed 02 July 2010, 37 CFR 1.497(d) [formally, 37 CFR 1.48] states in part: "If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application....applicant must submit:

- (1) a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part;
- (2) the fee set forth in 37 CFR 1.17(h); and

- (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b); and
- (4) any new oath or declaration required by paragraph (f) of this section.

Applicant previously satisfied items 1, 2 and 4. With the filing of the present renewed petition and accompanying papers applicant has satisfied the remaining item and it is proper to grant applicant's renewed petition at this time.

CONCLUSION

For the reasons discussed above, the renewed request under 37 CFR 1.497(d) is **GRANTED**.

A review of the application papers reveals that applicant has now completed all the requirements of 35 U.S.C. 371 for entry into the national stage.

This application has an international application filing date of 02 February 2001 and will be given a date of **25 November 2002** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

The application is being returned to the United States Designated/Elected Office for further processing in accordance with this decision.



Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, VA 22313-1450

March 22, 2011

Patent No.: 7,860,554 B2
Applicant : Lorenzo Leonardi, et al.
Issued : December 28, 2010
For : **VISIBLE-NEAR INFRARED SPECTROSCOPY IN BURN INJURY
ASSESSMENT**
Atty Docket No.: 83815-1802

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rules 1.323.

Respecting the alleged error changing inventors' name, "Jeri Payette" to "Jeri Friesen". The inventor name is printed in accordance with the Declaration submitted at the time of filing the application. Therefore, not correction is in order here under Rule 1.323.

However, your attention is directed to C.F.R. 1.324, wherein a request is being made to change, add or delete inventor(s) names, after issuance of the patent

In view of the foregoing, your request in this matter is hereby denied.

A petition under C.F.R. 1.324 should include:

- A. the processing fee set forth in 37 CFR 1.20(b) (currently \$130);
- B. a statement from each person being added as an inventor that the inventorship occurred without any deceptive intention on his or her part, a statement from the current inventors agreeing to the change of inventorship of stating that they have no disagreement in regard to the requested change, and a statement from all assignees of the current inventors agreeing to the change of inventorship in the patent.

Further correspondence concerning this matter should be filed and directed to Supervisory Patent Examiner of Technology Center 3700 at the U.S. Patent and Trademark Office.

Antonio Johnson
For Mary F. Diggs
Decisions & Certificates
of Correction Branch
(571)272-0483

ADE & COMPANY INC.
2157 Henderson Highway
WINNIPEG MB R2G1P-9 CA CANADA



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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

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JUL 15 2011

OFFICE OF PETITIONS

In re Patent No. 7,612,046	:	
Rothenpieler, et al.	:	DECISION FOR REQUEST
Issue Date : November 3, 2009	:	FOR RECONSIDERATION
Application No. 10/182,680	:	OF PATENT TERM
Filed: September 27, 2002	:	ADJUSTMENT
Attorney Docket No. 028622-0114	:	

This is a decision on the petition filed on June 4, 2010, which is being treated as a petition under 37 C.F.R. § 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by seven hundred and seventy (770) days.

The petition is dismissed.

Patentees dispute the period of time excluded from B delay for appellate review. Patentee's argument has been considered, but not found persuasive. The period consumed by appellate review, whether successful or not, is excluded from the calculation of B delay. See 35 U.S.C. 154(b)(1)(B)(ii). An appeal to the Board of Patent Appeals and Interferences commences with the filing of a notice of appeal. See 35 U.S.C. 134(a). Generally, an appeal to the Board of Patent Appeals and Interferences ends with either 1) a Board decision, 2) the examiner reopening prosecution and issuing another Office action, or 3) the applicant filing a request to withdraw the appeal and reopen prosecution (e.g. the filing of a request for continued examination). In this instance the period consumed by appellate review is 211 days, beginning on the date of filing of the notice of appeal, October 10, 2006, and ending on May 9, 2007, the day before the date the Request for Continued Examination was filed. Thus, B delay is 436 (647 - 211) days.

It is noted that the Office issued a Notice of proposed rulemaking entitled *Revision of Patent Term Extension and*

Adjustment Provisions Relating to Appellate Review and Information Disclosure Statements, 76 FR 18990 (April 6, 2011). To the extent that the final rule on *Revision of Patent Term Extension and Adjustment Provisions Relating to Appellate Review* revises the interpretation of appellate review applied in this decision, Patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the date of the final rule to file a request for reconsideration. No extensions of time will be granted under § 1.136.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Further correspondence with respect to this decision should be addressed as follows:

By Mail: Mail Stop Petition
 Commissioner for Patents
 PO Box 1450
 Alexandria, VA 22313-1450

By FAX: (571) 273-8300
 ATTN: Office of Petitions

By Hand: Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

MAILED

AUG 25 2011

OFFICE OF PETITIONS

In re Patent No.7,612,046	:	
Rothenpieler, et al.	:	
Issue Date : November 3, 2009	:	ON APPLICATION
Application No. 10/182,680	:	FOR
Filed: September 27, 2002	:	PATENT TERM
Attorney Docket No. 028622-0114	:	ADJUSTMENT

This is in response to the "Request for Reconsideration of Decision on Patent Term Adjustment" filed on August 15, 2011. Patentees request that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by seven hundred and seventy (770) days.

The petition is **dismissed as premature**.

Patentees again dispute the period of time excluded from B delay for appellate review. Patentees' argument has not been considered on its merits. The "Decision for Request for Reconsideration of Patent Term Adjustment" mailed July 15, 2011, stated that:

It is noted that the Office issued a Notice of proposed rulemaking entitled *Revision of Patent Term Extension and Adjustment Provisions Relating to Appellate Review and Information Disclosure Statements*, 76 FR 18990 (April 6, 2011). To the extent that the final rule on *Revision of Patent Term Extension and Adjustment Provisions Relating to Appellate Review* revises the interpretation of appellate review applied in this decision, Patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the date of the final rule to file a request for reconsideration. No extensions of time will be granted under § 1.136.

The petition filed August 15, 2011, again only disputes the time excluded from "B" delay for appellate review. It is noted that a Notice of proposed rulemaking entitled *Revision of Patent Term Extension and Adjustment Provisions Relating to Appellate Review and Information Disclosure Statements*, 76 FR 18990 (April 6, 2011) is presently under consideration, but is not yet a final rule. The Office recognizes that the final rule may result in a different interpretation of the period of time excluded from B delay for appellate review. Accordingly, the decision mailed July 15, 2011, provided patentees with a period of one (1) month or thirty (30) days, whichever is longer, from the date of the final rule to file a request for reconsideration. To date, no final rule has been adopted that would affect the outcome of this petition. The petition is dismissed as premature, accordingly. Patentees are reminded that patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the date of the final rule to file a request for reconsideration. No extensions of time will be granted under § 1.136.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



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WASHINGTON DC 20007

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SEP 29 2011

OFFICE OF PETITIONS

In re Patent No. 7,612,046	:	
Rothenpieler, et al.	:	
Issue Date : November 3, 2009	:	ON APPLICATION
Application No. 10/182,680	:	FOR
Filed: September 27, 2002	:	PATENT TERM
Attorney Docket No. 028622-0114	:	ADJUSTMENT

This is in response to the "Request for Reconsideration of Decision on Patent Term Adjustment" filed on September 23, 2011. Patentees request that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by seven hundred and seventy (770) days.

The petition is **dismissed as premature**.

Patentees again dispute the period of time excluded from B delay for appellate review. Patentees' argument has not been considered on its merits. The "Decision for Request for Reconsideration of Patent Term Adjustment" mailed July 15, 2011, and August 25, 2011, stated that:

It is noted that the Office issued a Notice of proposed rulemaking entitled *Revision of Patent Term Extension and Adjustment Provisions Relating to Appellate Review and Information Disclosure Statements*, 76 FR 18990 (April 6, 2011). To the extent that the final rule on *Revision of Patent Term Extension and Adjustment Provisions Relating to Appellate Review* revises the interpretation of appellate review applied in this decision, Patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the date of the final rule to file a request for reconsideration. No extensions of time will be granted under § 1.136.

The petition filed September 23, 2011, again only disputes the time excluded from "B" delay for appellate review. It is noted that a Notice of proposed rulemaking entitled *Revision of Patent Term Extension and Adjustment Provisions Relating to Appellate Review and Information Disclosure Statements*, 76 FR 18990 (April 6, 2011) is presently under consideration, but is not yet a final rule. The Office recognizes that the final rule may result in a different interpretation of the period of time excluded from B delay for appellate review. Accordingly, the decisions mailed July 15, 2011, and August 25, 2011, provided patentees with a period of one (1) month or thirty (30) days, whichever is longer, from the date of the final rule to file a request for reconsideration. To date, no final rule has been adopted that would affect the outcome of this petition. The petition is dismissed as premature, accordingly. Patentees are reminded that patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the date of the final rule to file a request for reconsideration. No extensions of time will be granted under § 1.136.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



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265 Franklin Street
Boston, MA 02110

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JAN 30 2012

OFFICE OF PETITIONS

In re Application of Raimundo et al.	:	
Application No. 10/182,977	:	Decision on Application for Patent
371(c) Date: January 24, 2003	:	Term Adjustment
Attorney Docket No. 120029-20501	:	

This is a decision on the application for patent term adjustment filed December 9, 2011, which is being treated as a petition under 37 C.F.R. § 1.705(b) requesting the initial determination of patent term adjustment be corrected from one hundred seventy-two (172) days to six hundred eighty-nine (689) days.

The petition is **granted to the extent indicated herein**.

The Office has updated the PALM screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is 0 days. A copy of the updated PALM screen showing the correct determination is enclosed.

The Office mailed a Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the application on September 9, 2011, advising Applicants of a patent term adjustment to date of 172 days. In response, Applicants timely filed this application for patent term adjustment with payment of the issue fee on December 9, 2011.

Delay Under 37 C.F.R. § 1.702(b) ("B Delay")

To the extent Applicants request reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the request is premature.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See 37 C.F.R. § 1.702(b). (This is true even where a request for continued examination ("RCE") was filed). The computer will not undertake the 37 C.F.R. § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under 37 C.F.R. § 1.702(a)(4) or applicant delay under 37 C.F.R. § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 C.F.R. § 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature.

Rather than file an application for patent term adjustment under 37 C.F.R. § 1.705(b) contesting the 37 C.F.R. § 1.702(b) calculation at the time of the mailing of the notice of allowance, an applicant may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 C.F.R. § 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 C.F.R. § 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 C.F.R. § 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee.¹

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 C.F.R. § 1.705(d) and must include payment of the required fee under 37 C.F.R. § 1.18(e).

Delay Under 37 C.F.R. § 1.704 ("Applicant Delay")

The Office previously determined the total period of Applicant Delay, as of the mailing date of the Notice of Allowance, is 435 days. The petition asserts the correct total period of Applicant Delay is 629 days.

The Office has carefully considered the record and determined the correct period of Applicant Delay is 629 days. Therefore, the Office has entered an additional 194-day reduction in patent term adjustment into the Office's PALM database.

Conclusion

The total period of delay under 37 C.F.R. § 1.702(a) ("A Delay"), as of the mailing date of the Notice of Allowance, is 607 days and is not in dispute.

The total period of Applicant delay, as of the mailing date of the Notice of Allowance, is 629 days.

¹ For example, if applicant disputes both the calculation of patent term adjustment under 37 C.F.R. § 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 C.F.R. § 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 C.F.R. § 1.705(b) and 35 U.S.C. § 154(b)(3)(B). A dispute as to the calculation of the 37 C.F.R. § 1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 C.F.R. § 1.705(d) will be dismissed as untimely filed.

The total period of Applicant Delay is greater than the total period of A Delay. However, the patent term adjustment cannot be less than zero. Therefore, the patent term adjustment as of the mailing date of the Notice of Allowance is 0 days.

The Office of Data Management has been advised of this decision. This matter is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203.

A handwritten signature in black ink, appearing to read 'Charles Brantley', with a stylized flourish at the end.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of REVISED PALM screen



PTA/PTE Information Patent Term Adjustment Patent Term Extension

Application Number*: 10182977

[Explanation of PTA Calculation](#)[Explanation of PTE Calculation](#)PTA Calculations for Application: **10182977**

Application Filing Date	01/24/2003	Overlapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays	607
A Delays	607	PTO Manual Adjustment	-194
B Delays	0	Applicant Delay (APPL)	435
C Delays	0	Total PTA (days)	0

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
146	01/25/2012		P028	Adjustment of PTA Calculation by PTO		194	0
136	09/09/2011	08/22/2011	MN/=.	Mail Notice of Allowance	18		117
135	09/08/2011		OAR	Office Action Review			0
134	09/08/2011		OAR	Office Action Review			0
133	09/08/2011		OAR	Office Action Review			0
132	09/08/2011		OAR	Office Action Review			0
131	09/08/2011		IREV	Issue Revision Completed			0
130	09/08/2011		DVER	Document Verification			0
129	09/08/2011		N/=.	Notice of Allowance Data Verification Completed			0
128	09/06/2011		EX.R	Reasons for Allowance			0
127	09/06/2011		EX.A	Examiner's Amendment Communication			0
125	09/06/2011		CNTA	Allowability Notice			0
126	09/01/2011		EXIE	Interview Summary - Examiner Initiated			0
124	06/28/2011		FWDX	Date Forwarded to Examiner			0
123	06/28/2011	04/22/2011	SA..	Supplemental Response		67	117
122	06/15/2011		MEXIN	Mail Examiner Interview Summary (PTOL - 413)			0
121	06/14/2011		OAR	Office Action Review			0
120	06/14/2011		EXIN	Examiner Interview Summary Record (PTOL - 413)			0
119	05/03/2011		CRFE	CRF Is Good Technically / Entered into Database			0
118	04/27/2011		FWDX	Date Forwarded to Examiner			0
115	04/27/2011		MEXIN	Mail Examiner Interview Summary (PTOL - 413)			0
114	04/25/2011		OAR	Office Action Review			0
117	04/22/2011	01/22/2011	A...	Response after Non-Final Action		90	112
116	04/22/2011		XT/G	Request for Extension of Time - Granted			0
113	04/22/2011		EXIN	Examiner Interview Summary Record (PTOL - 413)			0
112	10/22/2010		MCTNF	Mail Non-Final Rejection			0
111	10/21/2010		CTNF	Non-Final Rejection			0
108	08/09/2010		FWDX	Date Forwarded to Examiner			0
105	08/09/2010		ABN9	Disposal for a RCE / CPA / R129			0
110	08/06/2010		IDSC	Information Disclosure Statement considered			0
109	08/06/2010	08/06/2010	M844	Information Disclosure Statement (IDS) Filed			106
107	08/06/2010		AMSB	Amendment Submitted/Entered with Filing of CPA/RCE			0
106	08/06/2010	01/06/2010	RCEX	Request for Continued Examination (RCE)			93
104	08/06/2010		XT/G	Request for Extension of Time - Granted			0
103	08/06/2010		WIDS	Information Disclosure Statement (IDS) Filed			0
102	08/06/2010		BRCE	Workflow - Request for RCE - Begin			0
101	01/25/2010		PA..	Change in Power of Attorney (May Include Associate POA)			0
100	01/22/2010		C.AD	Correspondence Address Change			0
99	01/20/2010		MEXIN	Mail Examiner Interview Summary (PTOL - 413)			0
97	01/15/2010		MCTAV	Mail Advisory Action (PTOL - 303)			0
98	01/14/2010		EXIN	Examiner Interview Summary Record (PTOL - 413)			0
96	01/14/2010		CTAV	Advisory Action (PTOL-303)			0
95	01/07/2010		FWDX	Date Forwarded to Examiner			0
94	01/06/2010		AP/A	Amendment/Argument after Notice of Appeal			0
93	01/06/2010	10/06/2009	N/AP	Notice of Appeal Filed		92	90
92	01/06/2010		XT/G	Request for Extension of Time - Granted			0
90	07/06/2009		MCTFR	Mail Final Rejection (PTOL - 326)			0
89	07/02/2009		CTFR	Final Rejection			0
91	05/08/2009		LET.	Miscellaneous Incoming Letter			0
86	04/28/2009		FWDX	Date Forwarded to Examiner			0
84	04/27/2009		MEXIN	Mail Examiner Interview Summary (PTOL - 413)			0
85	04/16/2009		A...	Response after Non-Final Action			0
83	04/16/2009		EXIN	Examiner Interview Summary Record (PTOL - 413)			0
81	04/08/2009		MCTMS	Mail Miscellaneous Communication to Applicant			0
80	04/07/2009		CTMS	Miscellaneous Action with SSP			0

79	02/03/2009	FWDX	Date Forwarded to Examiner	0
78	12/11/2008	A...	Response after Non-Final Action	0
77	09/11/2008	MCTNF	Mail Non-Final Rejection	0
76	08/18/2008	CTNF	Non-Final Rejection	0
72	06/05/2008	FWDX	Date Forwarded to Examiner	0
70	06/05/2008	FWDX	Date Forwarded to Examiner	0
68	06/05/2008	ABN9	Disposal for a RCE / CPA / R129	0
75	05/16/2008	IDSC	Information Disclosure Statement considered	0
73	05/16/2008	05/16/2008 M844	Information Disclosure Statement (IDS) Filed	69
71	05/16/2008	AMSB	Amendment Submitted/Entered with Filing of CPA/RCE	0
69	05/16/2008	10/16/2007 RCEX	Request for Continued Examination (RCE)	64
67	05/16/2008	XT/G	Request for Extension of Time - Granted	0
66	05/16/2008	WIDS	Information Disclosure Statement (IDS) Filed	0
65	05/16/2008	BRCE	Workflow - Request for RCE - Begin	0
64	10/16/2007	07/16/2007 N/AP	Notice of Appeal Filed	92 62
63	10/16/2007	XT/G	Request for Extension of Time - Granted	0
62	04/16/2007	MCTFR	Mail Final Rejection (PTOL - 326)	0
61	04/13/2007	CTFR	Final Rejection	0
60	02/02/2007	FWDX	Date Forwarded to Examiner	0
59	01/16/2007	10/14/2006 A...	Response after Non-Final Action	94 57
58	01/16/2007	XT/G	Request for Extension of Time - Granted	0
57	07/14/2006	MCTNF	Mail Non-Final Rejection	0
56	07/10/2006	CTNF	Non-Final Rejection	0
53	05/23/2006	DOCK	Case Docketed to Examiner in GAU	0
52	05/22/2006	FWDX	Date Forwarded to Examiner	0
51	05/16/2006	ELC	Response to Election / Restriction Filed	0
50	05/16/2006	XT/G	Request for Extension of Time - Granted	0
49	03/16/2006	MCTRS	Mail Restriction Requirement	0
48	03/15/2006	CTRS	Restriction/Election Requirement	0
47	03/15/2006	DOCK	Case Docketed to Examiner in GAU	0
46	03/07/2006	DOCK	Case Docketed to Examiner in GAU	0
45	02/15/2006	FWDX	Date Forwarded to Examiner	0
44	02/03/2006	ELC	Response to Election / Restriction Filed	0
43	02/03/2006	XT/G	Request for Extension of Time - Granted	0
55	12/12/2005	IDSC	Information Disclosure Statement considered	0
42.7	12/12/2005	M844	Information Disclosure Statement (IDS) Filed	0
42	12/12/2005	WIDS	Information Disclosure Statement (IDS) Filed	0
41	11/03/2005	03/24/2004 MCTRS	Mail Restriction Requirement	589 38
40	11/01/2005	CTRS	Restriction/Election Requirement	0
39	07/19/2005	DOCK	Case Docketed to Examiner in GAU	0
37	03/09/2005	WROIPE	Application Return from OIPE	0
36	03/09/2005	M903	Notice of DO/EO Acceptance Mailed	0
28	03/09/2005	ROIPE	Application Return TO OIPE	0
27	05/26/2004	TSSCOMP	IFW TSS Processing by Tech Center Complete	0
25	02/21/2004	TSSCOMP	IFW TSS Processing by Tech Center Complete	0
24	02/21/2004	DOCK	Case Docketed to Examiner in GAU	0
29	07/24/2003	W/OA	Pre-Exam Office Action Withdrawn	0
22	07/24/2003	WROIPE	Application Return from OIPE	0
21	07/24/2003	M903	Notice of DO/EO Acceptance Mailed	0
20	07/24/2003	ROIPE	Application Return TO OIPE	0
18	07/23/2003	M903	Notice of DO/EO Acceptance Mailed	0
19	07/22/2003	OIPE	Application Dispatched from OIPE	0
13	07/10/2003	CRFF	Error(s) in CRF Corrected by STIC	0
12	05/12/2003	M916	Notice of DO/EO Defective Response Mailed.	0
6	04/22/2003	CRFD	CRF Is Flawed Technically / Not Entered into Database	0
54	04/15/2003	IDSC	Information Disclosure Statement considered	0
8	04/15/2003	CRFL	CRF Disk Has Been Received by Preexam / Group / PCT	0
38	01/24/2003	371COMP	371 Completion Date	0
35	01/24/2003	ADDLFEE	Additional Application Filing Fees	0
34	01/24/2003	CPYIPER	Copy of the International Preliminary Examination Report	0
33	01/24/2003	SEQLIST	A set of symbols and procedures, provided to the PTO on a set of computer listings, that describe in	0
32	01/24/2003	CRFL	CRF Disk Has Been Received by Preexam / Group / PCT	0
31	01/24/2003	OATHDECL	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic	0
23	01/24/2003	A.PE	Preliminary Amendment	0
17	01/24/2003	ADDLFEE	Additional Application Filing Fees	0
16	01/24/2003	SEQLIST	A set of symbols and procedures, provided to the PTO on a set of computer listings, that describe in	0
15	01/24/2003	C602	Oath or Declaration Filed (Including Supplemental)	0
14	01/24/2003	C602	Oath or Declaration Filed (Including Supplemental)	0
0.5	01/30/2001	NEFILE	International Filing date	0

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Arnold & Porter LLP (24126)
Attn: SV Docketing Dept.
1400 Page Mill Road
Palo Alto CA 94304

MAILED

OCT 29 2010

OFFICE OF PETITIONS

In re Patent No. 7,718,770	:
Goddard et al.	:
Issue Date: 05/18/2010	:
Application No. 10/183012	:
Filing or 371(c) Date: 06/26/2002	:
Attorney Docket No.	:
P3430R1C171	:
	: DECISION ON REQUEST
	: FOR RECONSIDERATION OF
	: PATENT TERM ADJUSTMENT
	: and
	: NOTICE OF INTENT TO ISSUE
	: CERTIFICATE OF CORRECTION

This is a decision on the petition filed on June 24, 2010, which is being treated as a petition under 37 CFR 1.705(d), requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by one thousand five hundred forty-seven (1547) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by one thousand five hundred forty-seven (1547) days is **GRANTED to the extent indicated herein**.

As to the period of Office delay, a review of the application file reveals that the issue fee was filed on December 17, 2007. Pursuant to 37 CFR 1.702(b)(6), the period of adjustment of 761 days (not 764 days), beginning on the day after the date that is four months after the date the issue fee was paid and all outstanding requirements were satisfied, and ending on the date a patent was issued, May 18, 2010, is proper. As such, the patent term adjustment is 1544, not 1547 days.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by one thousand five hundred forty-four (1544) days.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,718,770 B2

DATED : May 18, 2010

INVENTOR(S) : Baker et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 1650 days.

Delete the phrase "by 1650 days" and insert – by 1544 days--



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CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON DC 20044-4300

MAILED

SEP 09 2010

OFFICE OF PETITIONS

In re Application of :
Balbir KUMAR :
Application No. 10/183,066 : **DECISION ON PETITION**
Filed: June 24, 2002 :
Attorney Docket No. 2101/51235 :

This is a decision on the petition, filed October 13, 2009, under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the Requirement to Remove Security Markings or Obtain a New Secrecy Order, mailed July 10, 2008, which set a two (2) month statutory period for reply. A Notice of Abandonment was mailed September 28, 2009.

Petitioner asserts that the Requirement to Remove Security Markings or Obtain a New Secrecy Order was mailed in error since a Request for Removal of National Security Markings was previously filed on February 27, 2008.

A review of the written record reveals that on July 11, 2007, as Rescission of Secrecy Order under 35 USC 181-188 was mailed to petitioner. In response, petitioner filed a Request for Removal of National Security Markings on February 27, 2008, accompanied by a request for change of correspondence address. Thereafter, a Requirement to Remove Security Markings or Obtain a New Secrecy Order was mailed to petitioner's old correspondence address on July 10, 2008 followed by a Notice of Abandonment mailed on September 28, 2009, also to petitioner's old correspondence address.

Accordingly, the written record shows that the USPTO did not a) update the correspondence address in the instant application in response to the written notice received from petitioner; b) direct correspondence to the requested address; and c) did not appreciate that a request to remove the security markings in the instant application had been filed prior to mailing of the notice requiring removal of the markings.

In view of the above, the Requirement to Remove Security Markings or Obtain a New Secrecy Order and the Notice of Abandonment are hereby vacated as having been sent in error and the holding of abandonment withdrawn.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3209.

This application is being referred to the Technology Center technical support staff of Art Unit 3662 for further processing in view of the removal of markings and mailing of the Notice of Allowability (Form D-10) in the instant application.



BethAnne Dayoan
PCT Legal Analyst
Office of PCT Legal Administration



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Steven W. Smith
Spectrum San Diego, Inc.
10907 Technology Place
San Diego CA 92127

MAILED
FEB 03 2011
OFFICE OF PETITIONS

In re Patent No. 7,084,901	:	
Issue Date: 08/01/2006	:	
Application No. 10/183,620	:	ON PETITION
Filed: 06/28/2002	:	
Title: SURVEILLANCE CAMERA WITH	:	
FLICKER IMMUNITY	:	

This is in response to the petition under 37 CFR 1.378(c), filed October 15, 2010, to accept the unintentionally delayed payment of a maintenance fee for the above-identified patent.

The patent issued on August 1, 2006. The grace period for paying the second maintenance fee expired on August 2, 2010.

A petition to accept the unintentionally delayed payment of a maintenance fee under 35 U.S.C. 41(c) and 37 CFR 1.378(c) must be accompanied by: (1) a statement that the delay was unintentional; (2) payment of the appropriate maintenance fee, unless previously submitted; and (3) payment of the surcharge set forth in 37 CFR 1.20(i)(2). This petition lacks item (3).

With the present petition, petitioner submitted \$490.00 for the 3.5 year maintenance fee and \$65.00 for the surcharge after expiration. Currently, the required surcharge after expiration when the late payment is unintentional is \$1,640.00. Unfortunately, petitioner's payment of the surcharge after expiration is insufficient in the amount of \$1,575.00. Therefore, the petition will not be treated on the merits until petitioner submit a "renewed" petition under 37 CFR 1.378(c), accompanied by the payment of the outstanding balance of \$1,575.00. Thus, the petition is dismissed.

The Office reminds petitioner that the maintenance fee and surcharge submitted for a patent must be paid in the amount due on the date the "renewed" petition is filed. Petitioner should refer to the USPTO website for the most current Fee Schedule.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By fax: (571) 273-8300

Correspondence may also be submitted electronically via EFS-Web.

Telephone inquiries may be directed to the undersigned at (571) 272-3211.

A handwritten signature in black ink that reads "Christina Tartera Donnell". The signature is written in a cursive, flowing style.

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



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In re Patent No. 7014156 :
Issue Date: March 21, 2006 :
Application No. 10183986 :DECISION GRANTING PETITION
Filed: June 28, 2002 :UNDER 37 CFR 1.378(c)
Attorney Docket No. APEZETXEA=1 :

This is a decision on the electronic petition, filed August 9, 2010, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of August 9, 2010. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
7,014,156	2006-03-21	10/183,986	2002-06-28	APEZETXEA1

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|-----------------------|-----------|--------|
| <input type="radio"/> | 3 ½ year | (1551) |
| <input type="radio"/> | 7 ½ year | (1552) |
| <input type="radio"/> | 11 ½ year | (1553) |

Small Entity

- | | Fee | Code |
|----------------------------------|-----------|--------|
| <input checked="" type="radio"/> | 3 ½ year | (2551) |
| <input type="radio"/> | 7 ½ year | (2552) |
| <input type="radio"/> | 11 ½ year | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/Ronni S. Jillions/	Date (YYYY-MM-DD)	2010-08-09
Name	Ronni S. Jillions	Registration Number	31979
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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In re Patent No. 7131571 :
Issue Date: November 7, 2006 :
Application No. 10184030 :DECISION GRANTING PETITION
Filed: June 26, 2002 :UNDER 37 CFR 1.378(c)
Attorney Docket No. 020375-030210US :

This is a decision on the electronic petition, filed January 31, 2011, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of January 31, 2011. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
7,131,571	2006-11-07	10/184,030	2002-06-26	020375-030210US

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|---|-----|--------|
| <input checked="" type="radio"/> 3 ½ year | | (1551) |
| <input type="radio"/> 7 ½ year | | (1552) |
| <input type="radio"/> 11 ½ year | | (1553) |

Small Entity

- | | Fee | Code |
|---------------------------------|-----|--------|
| <input type="radio"/> 3 ½ year | | (2551) |
| <input type="radio"/> 7 ½ year | | (2552) |
| <input type="radio"/> 11 ½ year | | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/Matthew T. Sarles/	Date (YYYY-MM-DD)	2011-01-31
Name	Matthew T. Sarles	Registration Number	58696
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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COLOPLAST A/S
ATTENTION: CORPORATE PATENTS
HOLTEDAM 1
DK-3050 HUMLEBACK DK DENMARK

MAILED
APR 13 2011
OFFICE OF PETITIONS

In re Application of :
Allan Tanghoj :
Application No. 10/184,081 : DECISION GRANTING PETITION
Filed: June 28, 2002 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 2001011-US2 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 7, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on March 22, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 3761 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

¹ *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*



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Alexandria, VA 22313-1450
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**AKA CHAN LLP / ORACLE
900 LAFAYETTE STREET
SUITE 710
SANTA CLARA CA 95050**

MAILED

JAN 18 2011

OFFICE OF PETITIONS

In re Application of
Kothanda Umamageswaran
Application No. 10/184,379
Filed: June 26, 2002
Attorney Docket No. **ORACP002**

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed December 7, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks a forwarding correspondence address of the first named inventor or a properly intervening assignee.

If the forwarding correspondence address is to the assignee, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71*. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **SILICON VALLEY PATENT GROUP LLP**
ATTN: OMKAR - ORACLE
18805 COX AVENUE
SUITE 220
SARATOGA, CA 95070

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6502604	2003-01-07	10184497	2002-06-28	L100-0201

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|-----------------------|-----------|--------|
| <input type="radio"/> | 3 ½ year | (1551) |
| <input type="radio"/> | 7 ½ year | (1552) |
| <input type="radio"/> | 11 ½ year | (1553) |

Small Entity

- | | Fee | Code |
|----------------------------------|-----------|--------|
| <input type="radio"/> | 3 ½ year | (2551) |
| <input checked="" type="radio"/> | 7 ½ year | (2552) |
| <input type="radio"/> | 11 ½ year | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/Penny L. Lowry/	Date (YYYY-MM-DD)	2011-02-17
Name	Penny L. Lowry	Registration Number	57186
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

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The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
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P.O. Box 1450
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In re Patent No. 6502604 :
Issue Date: January 7, 2003 :
Application No. 10184497 :DECISION GRANTING PETITION
Filed: June 28, 2002 :UNDER 37 CFR 1.378(c)
Attorney Docket No. L100-0201 :

This is a decision on the electronic petition, filed February 17, 2011, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of February 17, 2011. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6,805,674	2004-10-19	10/184,548	2002-06-28	P/5517-35 (V17166)

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|---------------------------------|-----|--------|
| <input type="radio"/> 3 ½ year | | (1551) |
| <input type="radio"/> 7 ½ year | | (1552) |
| <input type="radio"/> 11 ½ year | | (1553) |

Small Entity

- | | Fee | Code |
|---|-----|--------|
| <input checked="" type="radio"/> 3 ½ year | | (2551) |
| <input type="radio"/> 7 ½ year | | (2552) |
| <input type="radio"/> 11 ½ year | | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

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I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

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Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/Joel J Felber/	Date (YYYY-MM-DD)	2010-10-19
Name	Joel J. Felber	Registration Number	59642
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

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5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
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P.O. Box 1450
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In re Patent No.	6805674	:
Issue Date:	October 19,2004	
Application No.	10184548	:DECISION GRANTING PETITION
Filed:	June 28,2002	:UNDER 37 CFR 1.378(c)
Attorney Docket No.	V1025/20013	:

This is a decision on the electronic petition, filed October 19,2010 ,under 37 CFR 1.378(c)
to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of October 19,2010 .
This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and
this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print
and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.



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Paper No.

FULWIDER PATTON LLP
HOWARD HUGHES CENTER
6060 CENTER DRIVE, TENTH FLOOR
LOS ANGELES CA 90045

MAILED
NOV 07 2011
OFFICE OF PETITIONS

In re Application of :
Hebert :
Application No. 10/184,561 :
Patent No.: 6,793,667 : DECISION ON PETITION
Filed: June 27, 2002 : PURSUANT TO
Issued: September 21, 2004 : 37 C.F.R. § 1.28(c)
Title: MANIPULATABLE DELIVERY :
CATHETER FOR OCCLUSIVE DEVICES :
(II) :

This is a notice regarding your request for acceptance of a fee deficiency submission pursuant to 37 C.F.R. § 1.28, received on October 19, 2011. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 C.F.R. § 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 C.F.R. § 1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore, nothing in this notice is intended to imply that an investigation was done.

Petitioner has identified the particular type of fee that was erroneously paid as a small entity, when the small entity fee was actually paid, the small entity fee that was actually paid, the deficiency owed amount, and the total deficiency payment owed.

The deficiency payment in the amount of \$1610 has been received.

Your fee deficiency submission pursuant to 37 C.F.R. § 1.28(c) is hereby accepted. The petition is **GRANTED** accordingly.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

It is noted that the address listed on the petition differs from the address of record. The application file does not indicate a change of correspondence address has been filed in this case, although the address given on the petition differs from the address of record. If Petitioner desires to receive future correspondence regarding this patent, the change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to the address which appears on the petition. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence related to this patent unless Change of Correspondence Address, Patent Form (PTO/SB/123) is submitted for the above-identified patent. For Petitioner's convenience, a blank Change of Correspondence Address, Patent Form (PTO/SB/123), may be found at <http://www.uspto.gov/web/forms/sb0123.pdf>.

If appropriate, a change of fee address (form PTO/SB/47) and a request for customer number (form PTO/SB/125) should be filed in accordance with Manual of Patent Examining Procedure, section 2540. A blank fee address form may be found at <http://www.uspto.gov/web/forms/sb0047.pdf>.

It is not apparent whether the person signing the statement which asserts that small entity status was established in good faith was in a position to have firsthand or direct knowledge of the facts and circumstances of the establishment of small entity status. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such establishment. In the event that such an inquiry has not been made, Petitioner must make such an inquiry. If such inquiry results in the discovery that the establishment of small entity status was not made in good faith, Petitioner must notify the Office.

Application No. 10/184,561

Page 3

Patent No.: 6,793,667

Decision on Petition pursuant to 37 C.F.R. § 1.28(c)

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.¹

/Paul Shanoski/

Paul Shanoski

Senior Attorney

Office of Petitions

cc: Kendal M. Sheets

CPA Global

2318 Mill Road

Suite 12 Floor

Alexandria, VA 22314

¹ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110608

DATE : February 17, 2011

TO SPE OF : ART UNIT 1643

SUBJECT : Request for Certificate of Correction on Patent No.: 7301016B2

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - ST (South Tower) 9A22

Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments:

/MISOOK YU/
Supervisory Patent Examiner.Art Unit 1643



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LEE & HAYES, PLLC
601 W. RIVERSIDE AVENUE, SUITE 1400
SPOKANE, WA 99201

MAILED

MAR 28 2011

OFFICE OF PETITIONS

In re Application of :
Suresh P. BABU :
Application No. 10/184,794 : **DECISION GRANTING PETITION**
Filed: June 27, 2002 : **UNDER 37 CFR 1.313(c)(2)**
Attorney Docket No. **MS1-1161US** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 23, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on February 23, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2421 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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Edgardo R. Lua
245 Banawe St.
Cor. Sgt. Rivera
Quezon City MM111-5 PH PHILIPPINES

MAILED

JAN 30 2012

In re Patent No. 6,632,405	:	OFFICE OF PETITIONS
Issue Date: October 14, 2003	:	
Application No. 10/185,071	:	DECISION ON PETITION
Filed: June 26, 2002	:	
For: SOLAR-POWER BATTERY AIR	:	
FRESHENER WITH OSCILLATING FAN	:	

This is a decision on the petition under 37 CFR 1.378(e), filed November 29, 2011, to accept an unavoidably delayed payment of a maintenance fee for the above-identified patent.

If reconsideration of this decision is desired, a petition for reconsideration under 37 CFR 1.378(e) must be filed within TWO (2) MONTHS from the mail date of this decision. No extension of this 2-month time limit can be granted under 37 CFR 1.136(a) or (b). **Any such petition for reconsideration must be accompanied by the petition fee of \$400 as set forth in 37 CFR 1.17(f).** The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

The patent issued October 14, 2003. The 7.5 year maintenance fee could have been paid from October 14, 2010 through April 14, 2011, or with a surcharge during the period from April 15, 2011 through October 14, 2011. Accordingly, the patent expired October 14, 2011, for failure to timely submit the maintenance fee.

A petition to accept the delayed payment of a maintenance fee under 35 U.S.C. § 41(c) and 37 CFR 1.378(b) must be accompanied by (1) an adequate showing that the delay was unavoidable, since reasonable care was taken to ensure that the maintenance fee would be paid timely and that the petition was filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent, (2) payment of the appropriate maintenance fee, unless previously submitted, and (3) payment of the surcharge set forth in 37 CFR 1.20(i)(1).

This petition lacks item requirement (1) set forth above.

The Director may accept late payment of the maintenance fee if the delay is shown to the satisfaction of the Director to have been "unavoidable". 35 U.S.C. § 41(c)(1).

Patentee appears to attribute the failure to timely pay the second maintenance fee the fact that his job requires him to be out of the provinces three to four months at a time and, thus, he did not receive the maintenance fee due reminder until recently. Patentee further attributes the failure to timely pay the maintenance fee to financial hardship which is impacted by the special condition of a child.

The showing of record is inadequate to establish unavoidable delay within the meaning of 37 CFR 1.378(b)(3).

The Director may accept late payment of the maintenance fee if the delay is shown to the satisfaction of the Director to have been "unavoidable". See, 35 U.S.C. § 41(c)(1). Acceptance of late payment of a maintenance fee is considered under the same standard as that for reviving an abandoned application under 35 U.S.C. § 133 because 35 U.S.C. § 41(c)(1) uses the identical language, i.e. "unavoidable delay". Ray v. Lehman, 55 F.3d 606, 608-09, 34 USPQ2d 1786, 1787 (Fed. Cir. 1995)(quoting In re Patent No. 4,409,763, 7 USPQ2d 1798, 1800 (Comm'r Pat. 1988)). Decisions on reviving abandoned applications have adopted the "reasonably prudent person" standard in determining if the delay in responding to an Office action was unavoidable. Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (Comm'r Pat. 1887)(the term "unavoidable" "is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business"); In re Mattullath, 38 App. D.C. 497, 514-515 (D.C. Cir. 1912); and Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141. In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition to revive an application as unavoidably abandoned cannot be granted where a petitioner has failed to meet his or her burden of establishing the cause of the unavoidable delay. Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

With respect to patentee's failure to receive the maintenance fee due reminder until recently, please re reminded per MPEP 2575 that:

"Under the statutes and the regulations, the Office has no duty to notify patentees when their maintenance fees are due. It is the responsibility of the patentee to ensure that the maintenance fees are paid to prevent expiration of the patent. The Office will, however, provide some notices as reminders that maintenance fees are due, but the notices, errors in the notices or in their delivery, or the lack or tardiness of notices will in no way relieve a patentee from the responsibility to make timely payment of each maintenance fee to prevent the patent from expiring by operation of law. The notices provided by the Office are courtesies in nature and intended to aid patentees. The Office's provision of notices in no way shifts the burden of monitoring the time for paying maintenance fees on patents from the patentee to the Office."

In other words, failure to receive a Maintenance Fee Reminder will not relieve the patentee of the obligation to timely pay the appropriate maintenance fee to prevent expiration of the patent, nor will it constitute unavoidable delay if the patentee seeks to reinstate the patent under 37 CFR 1.378(b). See, In re Patent No. 4,409,763, 7 USPQ2d 1798 (Comm'r Pat. 1988), aff'd sub nom. Rydeen v.

Quigg, 748 F. Supp. 900, 16 USPQ2d 1876 (D.D.C. 1990), aff'd, 937 F.2d 623 (Fed. Cir. 1991) (table), cert. denied, 502 U.S. 1075 (1992).

To the extent that patentee's job requires that he be away for three to four months at a time, patentee's preoccupation with other business matters indicates a failure to treat the instant patent as patentee's most important business. Preoccupation with other matters and failing to treat the instant patent as one's most important business does not rise to the level of unavoidable delay. See, Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982).

As 35 U.S.C. § 41(b) requires the payment of the fees at specified intervals to maintain a patent in force, rather than some response to a specific action by the Office under 35 U.S.C. § 133, a reasonably prudent person in the exercise of due care and diligence would have taken steps to ensure the timely payment of such maintenance fees. Ray v. Lehman, 55 F.3d at 609, 34 USPQ2d at 1788. That is, an adequate showing that the delay in payment of the maintenance fee at issue was "unavoidable" within the meaning of 35 U.S.C. § 41(c) and 37 C.F.R. § 1.378(b)(3) requires a showing of the steps taken by the responsible party. Id.

Patentee must establish that patentee was aware of the need to pay the maintenance fee, and to that end was tracking it, or had engaged someone to track it before the expiration, but when the fee came due, patentee was "unavoidably" prevented from making the maintenance fee payment due to financial hardship. Patentee has failed to satisfy this burden of proof.

Patentee has failed to establish the existence of financial hardship. Patentee has provided no documentary evidence of the alleged financial hardship. Further, patentee has failed to indicate when such financial hardship commenced and/or ended. Moreover, patentee has failed to establish a nexus between any alleged financial hardship (including the condition of a child) and the failure to timely remit the maintenance fee payment.

In view of the lack of documentary evidence or detailed declaration of facts, it cannot be found that the entire period of time, from the time that the maintenance fee was due until the filing of a grantable petition, was unavoidable. Accordingly, the petition to reinstate the patent must be dismissed.

Any renewed petition must establish that the entire period of delay from the time that the maintenance fee was due until the time of the filing of a grantable petition has been unavoidable. Patentee is reminded that any renewed petition should entail an exhaustive effort to establish that the failure to timely pay the maintenance fee was unavoidable as after reconsideration pursuant to 37 CFR 1.378(e), no further reconsideration regarding unavoidable delay will be undertaken. Patentee is reminded that he must establish that he had a business routine in place whereby he was tracking the due date of the maintenance fee and establish that when the time came for payment of the fee, patentee was unavoidably delayed in making the payment. Patentee may provide any and all documents and declarations of fact that he wishes the Office to consider prior to making a decision on the request for reinstatement of the patent

ALTERNATE VENUE

Patentee may wish to consider submitting a petition stating that the failure to timely remit the maintenance fee was unintentional pursuant to 37 CFR 1.378(c). Any petition to accept an unintentionally delayed payment of a maintenance fee filed under paragraph (a) of this section must be filed within twenty-four months after the six-month grace period provided in § 1.362(e) and must include: (1) The required maintenance fee set forth in § 1.20 (e) through (g); (2) The surcharge set forth in § 1.20(i)(2); and (3) A statement that the delay in payment of the maintenance fee was unintentional.

Enclosed please find as a courtesy a copy of PTO/SB/66. Patentee is advised that the surcharge required under 37 CFR 1.378(c)(2) is currently \$1,640.00 and **is not** subject to waiver. The small entity 7.5 year maintenance fee is currently \$1,425.00 and has been submitted. If desired, the previously submitted fee totaling \$2,125.00 can be used in connection with a petition filed pursuant to 37 CFR 1.378(c). However, any request for reconsideration would require the submission of the remaining fee due (estimated by the undersigned to be \$940.00).

Telephone inquiries concerning this matter may be directed to the undersigned at 571-272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

**PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF
MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378 (c))**

Docket Number (Optional) _____

Mail to: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Fax: (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

Patent No. _____

Application Number _____

Issue Date _____

Filing Date _____

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

Also complete the following information, if applicable

The above – identified patent

☐

Is a reissue of original Patent No. _____ original issue date _____

original application number _____

original filing date _____

☐

resulted from the entry into the U.S. under 35 U.S.C. 371 of international application _____

filed on _____

CERTIFICATE OF MAILING (37 CFR 1.89(a))

I hereby certify that this paper (*along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class main in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Date_____
Signature_____
Typed or Printed Name of Person Signing Certificate

[page 1 of 3]

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

1. SMALL ENTITY

☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input type="checkbox"/> \$ _____	3 ½ yr fee	(1551)	<input type="checkbox"/> \$ _____	3 ½ yr fee	(2551)
<input type="checkbox"/> \$ _____	7 ½ yr fee	(1552)	<input type="checkbox"/> \$ _____	7 ½ yr fee	(2552)
<input type="checkbox"/> \$ _____	11 ½ yr fee	(1553)	<input type="checkbox"/> \$ _____	11 ½ yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ _____

4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) of \$ _____ (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of a maintenance fee.

SURCHARGE FEE BEING SUBMITTED \$ _____

5. MANNER OF PAYMENT

☐ Enclosed is a check for the sum of \$ _____

☐ Please charge Deposit Account No. _____ the sum of \$ _____

☐ Payment by credit card. Form PTO-2038 is attached.

6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

☐ The Director is hereby authorized to charge any maintenance fee, surcharge or petition deficiency to Deposit Account No. _____

7. OVERPAYMENT

As to any overpayment made please

OR

☐

Credit to Deposit Account No. _____

☐

Send refund check

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

8. STATEMENT

The delay in payment of the maintenance fee to this patent was unintentional.

9. PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED_____
Signature(s) of Petitioner(s)_____
Date_____
Typed or printed name(s)_____
Registration Number, if applicable_____
Telephone Number_____
Address_____
Address

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

ENCLOSURES☐

Maintenance Fee Payment

☐

Surcharge under 37 CFR 1.20(i)(2) (fee for filing the maintenance fee petition)

☐

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

MAILED
JUL 14 2011
OFFICE OF PETITIONS

In re Patent No. 7,423,016	:
Issued: September 9, 2008	: LETTER REGARDING
Application No. 10/185,318	: PATENT TERM ADJUSTMENT
Filed: June 28, 2002	:
Attorney Docket No. 029860-0156	:

This is a decision on the petition filed September 1, 2010, under 37 C.F.R. § 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected from 545 days to 757 days.

Patentee's dispute the period of time excluded from B delay for appellate review. Patentee's argument has been considered, but not found persuasive. The period consumed by appellate review, whether successful or not, is excluded from the calculation of B delay. See 35 U.S.C. 154(b)(1)(B)(ii). An appeal to the Board of Patent Appeals and Interferences commences with the filing of a notice of appeal. See 35 U.S.C. 134(a). Generally, an appeal to the Board of Patent Appeals and Interferences ends with either 1) a Board decision, 2) the examiner reopening prosecution and issuing another Office action, or 3) the applicant filing a request to withdraw the appeal and reopen prosecution (e.g. the filing of a request for continued examination). In this instance the period consumed by appellate review is 212 days, beginning on August 29, 2006, the date of filing of the notice of appeal and ending on March 28, 2007, the subsequent date of the mailing of a Request for Continued Examination. Thus, B delay is 426 (638 – 212) days.

As such, the Patent Term Adjustment is 545 days (487 "A delay days" + 426 "B delay days" - 368 Applicant delay days), as indicated in the previous decision issued July 14, 2010, not 757 days.


It is noted that the Office issued a Notice of proposed rulemaking entitled *Revision of Patent Term Extension and Adjustment Provisions Relating to Appellate Review and Information Disclosure Statements*, 76 FR 18990 (April 6, 2011). To the extent that the final rule on *Revision of Patent Term Extension and Adjustment Provisions Relating to Appellate Review* revises the interpretation of appellate review applied in this decision, Patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the

date of the final rule to file a request for reconsideration. No extensions of time will be granted under § 1.136.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

The Office acknowledges the previous submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3212.

A handwritten signature in black ink, reading "Patricia Faison-Ball". The signature is written in a cursive, flowing style.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FOLEY AND LARDNER LLP
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3000 K STREET NW
WASHINGTON DC 20007

MAILED

SEP 19 2011

OFFICE OF PETITIONS

In re Patent No. 7,423,016
Issued: September 9, 2008
Application No. 10/185,318
Filed: June 28, 2002
Attorney Docket No. 029860-0156

:
: LETTER REGARDING
: PATENT TERM ADJUSTMENT
:
:

This is a decision on the REQUEST FOR RECONSIDERATION OF DECISION ON REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §1.705 filed August 4, 2011, under 37 C.F.R. § 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected from 545 days to 757 days.

The request for review of the patent term adjustment is **DISMISSED**.

Patentees are given **THIRTY (30) DAYS or ONE (1) MONTH, whichever is longer**, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The patent term adjustment indicated in the patent is properly reflected.

On renewed petition, patentee continues to maintain for the reasons set forth in the initial petition that the Office incorrectly calculated Office delay pursuant to 37 CFR 1.702(b).

Patentees disagree with the PTO's interpretation of the statute. In particular, patentees argue that "the Decision cites 35 USC 154(b)(1)(B)(ii) as justifying the exclusion of 212 days, but this section of the statute does not apply here. As noted in the Decision, this section excludes "any time consumed by appellate review by the Board of Patent Appeals and Interferences," but there was no appellate review here. The Notice of Appeal was filed August 29, 2006 to maintain pendency while the examiner considered Applicants' concurrently filed response. An Advisory Action was issued September 13, 2006, and Applicants filed an RCE on March 28, 2007. Thus, not only was there was no "appellate review by the Board," but no Brief on Appeal ever was filed. As set forth in 37 CFR 41.35, jurisdiction does not pass to the Board until after all briefs and the examiner's answer have been issued, at which time the Technology Center transmits the file to the Board. Until then, there is no "appellate review by the Board," and the examiner maintains jurisdiction, for example, to reopen prosecution or issue a notice of allowance. Because the prosecution of the application that resulted in the instant patent did not include any appellate review by the Board, 35 USC 154(b)(1)(B)(ii) simply does

not apply. Accordingly, there is no basis for the exclusion of the 212 days between the filing of a Notice of Appeal on August 29, 2006 and the day before an RCE was filed on March 28, 2007. The Decision finds that these arguments are "not persuasive," citing 35 USC 134(a) for the proposition that "[a]n appeal to the Board... commences with the filing of a notice of appeal."

Patentee's argument has been considered, but not found persuasive.

As noted in the prior decision, the period consumed by appellate review, whether successful or not, is excluded from the calculation of B delay. See 35 U.S.C. 154(b)(1)(B)(ii). An appeal to the Board of Patent Appeals and Interferences commences with the filing of a notice of appeal. See 35 U.S.C. 134(a). Generally, an appeal to the Board of Patent Appeals and Interferences ends with either 1) a Board decision, 2) the examiner reopening prosecution and issuing another Office action, or 3) the applicant filing a request to withdraw the appeal and reopen prosecution (e.g. the filing of a request for continued examination). In this instance the period consumed by appellate review is 212 days, beginning on August 29, 2006, the date of filing of the notice of appeal and ending on March 28, 2007, the subsequent date of the mailing of a Request for Continued Examination. Thus, B delay is 426 (638 – 212) days. As such, the Patent Term Adjustment is 545 days (487 "A delay days" + 426 "B delay days" - 368 Applicant delay days), as indicated in the previous decision issued July 14, 2010, not 757 days.

No additional arguments have been presented for reconsideration. The decision of July 14, 2011 with respect to the correctness of the calculation of B delay is affirmed.

It is noted that the Office issued a Notice of proposed rulemaking entitled *Revision of Patent Term Extension and Adjustment Provisions Relating to Appellate Review and Information Disclosure Statements*, 76 FR 18990 (April 6, 2011). To the extent that the final rule on *Revision of Patent Term Extension and Adjustment Provisions Relating to Appellate Review* revises the interpretation of appellate review applied in this decision, Patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the date of the final rule to file a request for reconsideration. No extensions of time will be granted under § 1.136.

Telephone inquiries specific to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

/Patricia Faison-Ball/

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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KHAJA H. KHAN
APT. 109
215 BAYVIEW ST.
SAN RAFAEL CA 94901

MAILED
JUL 19 2011
OFFICE OF PETITIONS

In re Patent No. 6,955,169
Issue Date: October 18, 2005
Application No. 10/185,474
Filed: June 27, 2002
Attorney Docket No. 02041

ON PETITION

This is a decision on the petition under 37 CFR 1.378(c), filed June 9, 2011, to accept the unintentionally delayed payment of a maintenance fee for the above-identified patent.

The petition is **GRANTED**.

This patent expired on October 18, 2009, for failure to pay the 3½ year maintenance fee. Since this petition was submitted within twenty-four months after the six-month grace period provided in 37 CFR 1.362(e), the petition was timely filed under the provisions of 37 CFR 1.378(c).

The maintenance fee is hereby accepted and the above-identified patent is reinstated as of the mail date of this decision.

Receipt is acknowledged of the Change of Correspondence Address filed on June 13, 2011, and the requested changes have been made to the address.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-3213.

The patent file is being forwarded to Files Repository.

Cheryl Gibson-Baylor
Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

MAILED

DEC 23 2010

OFFICE OF PETITIONS

In re Patent No. 7,423,023	:	DECISION
BOYLE et al.	:	DISMISSING REQUEST FOR
Issue Date: 09/09/2008	:	RECONSIDERATION OF PATENT
Application No. 10/185,799	:	TERM ADJUSTMENT
Filed: 06/28/2002	:	UNDER 37 CFR 1.705(d)
Attorney Docket No. 029860-0155	:	

This is a decision on the "REQUEST FOR RECONSIDERATION OF DECISION ON REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705", filed August 11, 2010, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by nine hundred forty-two (942) days.

The petition to correct the patent term adjustment indicated on the above-identified patent is **DISMISSED** with respect to making any change in the patent term adjustment determination under 35 U.S.C. 154(b). Patentee is given **TWO (2) MONTHS** from the mailing date of this decision to respond. No extensions of time will be granted under 37 CFR 1.136.

Patentee disputes the B delay period. Specifically, patentee states, in pertinent part:

The difference between the 726 days of PTA determined in the Decision and the 942 days of PTA determined by Applicants is 216 days, and corresponds to the number of days from the filing of a Notice of Appeal

on March 13, 2007, to the day before an RCE was filed on October 15, 2007.

The Decision cites 35 USC 154(b)(1)(B)(ii) as justifying the exclusion of these 216 days, but this section of the statute does not apply here. As noted in the Decision, this section excludes "any time consumed by appellate review by the Board of Patent Appeals and Interferences," but there was no appellate review here.

The Notice of Appeal was filed March 13, 2007 to maintain pendency while the examiner considered Applicants' concurrently filed response. An Advisory Action was issued March 26, 2007, and Applicants filed an RCE on October 15, 2007. Thus, not only was there was no "appellate review by the Board," but no Brief on Appeal ever was filed.

Petition, p. 2.

Patentee assertion is without merit. That is, patentee incorrectly calculated the period consumed by appellate review. The Office reminds patentee that the period consumed by appellate review, whether successful or not, is excluded from the calculation of B delay. See 35 U.S.C. 154(b)(1)(B)(ii).

Pursuant to 37 CFR 1.703:

(b) The period of adjustment under § 1.702(b) is the number of days, if any, in the period beginning on the day after the date that is three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application and ending on the date a patent was issued, but not including the sum of the following periods:

(4) The number of days, if any, in the period beginning on the date on which a notice of appeal to the Board of Patent Appeals and Interferences was filed under 35 U.S.C. 134 and § 41.31 of this title and ending on the date of the last decision by the Board of Patent Appeals and Interferences or by a Federal court in an appeal under 35 U.S.C. 141 or a civil action under 35 U.S.C.

145, or on the date of mailing of either an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever occurs first, if the appeal did not result in a decision by the Board of Patent Appeals and Interferences.

In this instance, the period consumed by appellate review is 216 days, beginning on the date on which the notice of appeal to the Board of Patent Appeals and Interferences was filed, March 13, 2007, and ending on the day before the filing of the RCE, October 14, 2007. Thus, B delay is 622 days (838 - 216).

Accordingly, the patent term adjustment is 726 days. In view thereof, no change will be made in the revised determination of patent term adjustment at the time of the issuance of the patent.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

The Office acknowledges the previous submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



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MAY 05 2011

OFFICE OF PETITIONS

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

In re Application of	:	
Boyle t al.	:	DECISION ON REQUEST
Patent Number: 7,423,023	:	FOR RECONSIDERATION OF
Issue Date: 09/09/2008	:	PATENT TERM ADJUSTMENT
Application No. 10/185799	:	
Filing or 371(c) Date: 06/28/2002	:	
Attorney Docket Number: 7,423,023	:	

This is a decision on the petition filed on February 18, 2011, under 37 CFR 1.705, requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by nine hundred forty-two (942) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by nine hundred forty-two (942) days is **DISMISSED**.

A Decision on a Petition under 37 CFR 1.705(d) was mailed December 23, 2010. The Decision stated that the period consumed by appellate review, whether successful or not, is excluded from the calculation of "B" delay. The Decision cited to 35 U.S.C. 154(b)(1)(B)(ii), and 37 CFR 1.703, which states that the period of adjustment under 1.702(b) does not include the number of days in the period beginning on the date on which a notice of appeal to the Board of Patent Appeals and Interferences was filed under 35 U.S.C. 134 and 41.31 of this title and ending on the date ... of mailing of either an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever occurs first.

Petitioner files the present petition and avers that 35 U.S.C. 154(b)(1)(B)(ii) does not apply, because the present patent did not include any appellate review by the Board. Moreover, 37 CFR 1.703(b)(4) is cited in support of this proposition, but there is no explanation as to how the application of this rule to the circumstances of the present case comports with the statute when there was no appellate review by the Board, and when jurisdiction over this case never passes to the Board.

Petitioner's arguments have been carefully considered. Petitioner avers that 35 U.S.C. 154(b)(1)(B)(ii) does not apply, and that as set forth in 37 CFR 41.35, jurisdiction does not pass to the Board until all briefs and examiner's answer have been issued. Petitioner is directed to 35 U.S.C.

134, Appeal to the Board of Patent Appeals and Interferences, which states: (a) PATENT APPLICANT. — An applicant for a patent, any of whose claims has been twice rejected, *may appeal* from the decision of the primary examiner to the Board of Patent Appeals and Interferences, *having once paid the fee for such appeal*. As iterated in 37 CFR 1.703(b), excluded from the period of adjustment in section (4), is the period of pendency consumed by appellate review under 35 U.S.C. 134, whether successful or unsuccessful.

In view of the foregoing, the Office did not include in the “B” period the number of days beginning on the date on which a notice of appeal to the Board of Patent Appeals and Interferences was filed under 35 U.S.C. 134 and § 41.31, and ending on the day before the RCE was filed, or 216 days, and the “B” delay period is 622 days (838 days – 216 days).

Patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods/
Attorney
Office of Petitions



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Paper No.

DIGIMARC CORPORATION
9405 SW GEMINI DRIVE
BEAVERTON OR 97008

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SEP 20 2010

OFFICE OF PETITIONS

In re Patent No. 7,711,564	:	DECISION ON REQUEST
Levy et al.	:	FOR
Issue Date: 05/04/2010	:	RECONSIDERATION OF
Application No. 10/186,175	:	PATENT TERM ADJUSTMENT
Filed: 06/27/2002	:	and
Atty Docket No.	:	NOTICE OF INTENT TO ISSUE
P0661	:	CERTIFICATE OF CORRECTION

This is a decision on the APPLICATION FOR PATENT TERM ADJUSTMENT (Request for Reconsideration of PTO's Patent Term Adjustment Determination (37 CFR 1.705(d)), filed on June 2, 2010, requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by one thousand two hundred sixty-one (1261) days. For the reasons stated below, the petition is treated as requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by one thousand two hundred twenty-two (1222) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by one thousand two hundred twenty-two (1222) days is **GRANTED to the extent indicated herein.**

As the period from the filing date of the request for continued examination (RCE) to the issue date of the patent is not included in the "B" delay period, the over three year period begins on June 28, 2005, and ends on January 4, 2007, the day before the date the first RCE was filed, January 5, 2007, not February 12, 2007, as asserted by patentees, and is 556 (not 595) days. See 35 U.S.C. 154(b)(1)(B)(i). Considering the

overlapping period of 73 days, from June 28, 2005, to September 8, 2005, the date the first Office action was mailed, the patent term adjustment is 1222 days (780 days of Office delay + 556 years of over three years delay - 73 days overlap - 41 days of applicant delay).

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **one thousand two hundred twenty-two (1222) days**.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3231.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,711,564 B2

DATED : May 4, 2010

DRAFT

INVENTOR(S) : Levy et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 1173 days.

Delete the phrase "by 1173 days" and insert – by 1222 days--

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 08/24/11TO SPE OF : ART UNIT 2626SUBJECT : Request for Certificate of Correction for Appl. No.: 10186175 Patent No.: 7711564CofC mailroom date: 08/16/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Note: _____

Lamonte Newsome

Certificates of Correction Branch

571-272-3421**Thank You For Your Assistance****The request for issuing the above-identified correction(s) is hereby:**

Note your decision on the appropriate box.

☒ **Approved**☐ **Approved in Part**☐ **Denied**

All changes apply.

Specify below which changes **do not** apply.

State the reasons for denial below.

Comments: __________

SPE RESPONSE FOR CERTIFICATE OF CORRECTION


RICHEMOND DORVIL
SUPERVISORY PATENT EXAMINER

2626

SPE

Art Unit



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EAST HANOVER NJ 07936-1080

Paper No.

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OCT 01 2010

OFFICE OF PETITIONS

In re Patent No. 7,649,023 : DECISION ON REQUEST
Shih et al. : FOR
Issue Date: January 19, 2010 : RECONSIDERATION OF
Application No. 10/186,462 : PATENT TERM ADJUSTMENT
Filed: June 28, 2002 : and
Atty Docket No. 53898-US-CIP : NOTICE OF INTENT TO ISSUE
: CERTIFICATE OF CORRECTION

This is a decision on the petition filed on March 8, 2010, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by eight hundred forty-eight (848) days.

Patentee requests that the patent term adjustment be increased based on the Office taking in excess of three years to issue the patent. However, patentee also discloses that additional periods of reduction should be entered for applicant delay.

The petition to correct the patent term adjustment indicated on the above-identified patent is **GRANTED to the extent indicated herein**. The patent term adjustment is corrected to indicate that the term of the above-identified patent is extended or adjusted by **nine hundred seventy-five (975)** days.

The over 3 year period is 730 days, counting the number of days beginning on June 29, 2005, the date the day after the three year anniversary of the filing date of the application, and ending on June 28, 2007, the day before a request for continued examination was first filed in this application. Considering 191 days of overlap, a period of 539 days is properly entered for "B" delay.

The record has been reviewed and the following corrections, as cited by patentee, have been entered. Pursuant to 37 CFR 1.704(c)(10), a period of reduction of 58 days is properly entered for the filing of the IDS after the mailing of the notice of allowance. Likewise, pursuant to 37 CFR 1.704(c)(8), a period of reduction of 36 days is properly entered for the filing of the supplemental reply on May 7, 2009, after the filing of the request for continued examination on April 1, 2009.

However, no reduction is warranted for either the filing of the request for continued examination on June 29, 2007 or the request for continued examination on April 21, 2009. The calculation of any applicant delay for the filing of the June 29, 2007 is assessed pursuant to 37 CFR 1.704(b). In lieu of paying the issue fee, patentee filed an RCE within three months of the mailing of the notice of allowance on April 2, 2007. Accordingly, no reduction for taking in excess of three months to file a response to the notice of allowance is warranted. In lieu of filing an appeal brief, patentee filed an RCE after the filing of a notice of appeal. The Office has not currently determined such action to be applicant delay.

In view thereof, the correct revised patent term adjustment is 975 days.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of

Patent No. 7,649,023

Application No. 10/186,462

Page 3

the above-identified patent is extended or adjusted by nine hundred seventy-five **(975)** days.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson", with a large, stylized initial "N" and a flourish at the end.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,649,023 B2

DATED : January 19, 2010

DRAFT

INVENTOR(S) : Shih et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 553 days

Delete the phrase "by 553 days" and insert – by 975 days--

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6948669	2005-09-27	10/186,580	2002-06-28	2-5973-000

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☒ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|---|-----|--------|
| <input checked="" type="radio"/> 3 ½ year | | (1551) |
| <input type="radio"/> 7 ½ year | | (1552) |
| <input type="radio"/> 11 ½ year | | (1553) |

Small Entity

- | | Fee | Code |
|---------------------------------|-----|--------|
| <input type="radio"/> 3 ½ year | | (2551) |
| <input type="radio"/> 7 ½ year | | (2552) |
| <input type="radio"/> 11 ½ year | | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/Michael O. Sturm/	Date (YYYY-MM-DD)	2010-09-01
Name	Michael O. Sturm	Registration Number	26078
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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P.O. Box 1450
Alexandria, VA 22313-1450
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In re Patent No. 6948669 :
Issue Date: September 27, 2005 :
Application No. 10186580 :DECISION GRANTING PETITION
Filed: June 28, 2002 :UNDER 37 CFR 1.378(c)
Attorney Docket No. 4757-3 :

This is a decision on the electronic petition, filed September 1, 2010, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of September 1, 2010. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.



UNITED STATES PATENT AND TRADEMARK OFFICE

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Donald N. Halgren
35 Central Street
Manchester, MA 01944

MAILED

FEB 23 2011

In re Patent of Lee et al. :
Patent No. 6,827,789 :
Issue Date: December 7, 2004 :
Application No. 10/186,823 :
Filing Date: July 1, 2002 :
Attorney Docket No. Semigear-10 :

OFFICE OF PETITIONS

Decision on Petition

This is a decision on the petition filed September 27, 2010, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of a maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The patent issued December 7, 2004. The last day of the grace period for paying the 3.5 year maintenance fee was December 8, 2008. This petition was filed within twenty-four months after the six-month grace period provided in 37 CFR 1.362(e). Therefore, this petition was timely filed under the provisions of 37 CFR 1.378(c).

The maintenance fee in this case is hereby accepted and the above-identified patent is hereby reinstated as of the mail date of this decision.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED

OCT 24 2011

OFFICE OF PETITIONS

FULBRIGHT & JAWORSKI, LLP
1301 MCKINNEY
SUITE 5100
HOUSTON TX 77010-3095

In re Patent No. 6,698,482	:	
Issue Date: March 2, 2004	:	
Application No.: 10/186,951	:	NOTICE
Filed: July 1, 2002	:	
Attorney Docket No.: HO-P02464US0 // 30610.18	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28(c), filed September 23, 2011 (certificate of mailing date September 20, 2011).

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore, nothing in this Notice is intended to imply that an investigation was done.

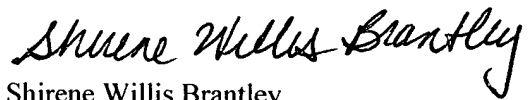
Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**. The change of status to a large entity has been entered and made of record.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Petitioner will not receive future correspondence related to maintenance fees for the patent unless a "Fee Address" Indication Form (see PTO/SB/47) and Request for Customer Number (see PTO/SB/125) are submitted. A courtesy copy of this decision is being mailed to the practitioner who filed the present petition.

This file is being forwarded to the Files Repository.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3230.

A handwritten signature in cursive script that reads "Shirene Willis Brantley".

Shirene Willis Brantley
Petitions Attorney
Office of Petitions

CC: DERRICK A. PIZARRO
COX SMITH MATTHEWS INC.
112 EAST PECAN ST. SUITE 1800
SAN ANTONIO TX 78205-1536



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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In re Patent No. 6567279 :
Issue Date: May 20, 2003 :
Application No. 10187645 :DECISION GRANTING PETITION
Filed: July 2, 2002 :UNDER 37 CFR 1.378(c)
Attorney Docket No. 13431-18 :

This is a decision on the electronic petition, filed June 1, 2011, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of June 1, 2011. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6567279	2003-05-20	10187645	2002-07-02	003679

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|----------------------------------|-----------|--------|
| <input type="radio"/> | 3 ½ year | (1551) |
| <input checked="" type="radio"/> | 7 ½ year | (1552) |
| <input type="radio"/> | 11 ½ year | (1553) |

Small Entity

- | | Fee | Code |
|-----------------------|-----------|--------|
| <input type="radio"/> | 3 ½ year | (2551) |
| <input type="radio"/> | 7 ½ year | (2552) |
| <input type="radio"/> | 11 ½ year | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/Mark J. Patterson/	Date (YYYY-MM-DD)	2011-06-01
Name	Mark J. Patterson	Registration Number	30412
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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Commissioner for Patents
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P.O. Box 1450
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In re Patent No. 6893344 :
Issue Date: May 17, 2005 :
Application No. 10187688 :DECISION GRANTING PETITION
Filed: July 1, 2002 :UNDER 37 CFR 1.378(c)
Attorney Docket No. BROWNLEI 01-02.PA :

This is a decision on the electronic petition, filed May 3, 2011, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of May 3, 2011. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6893344	2005-05-17	10187688	2002-07-01	087458.000003

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|---------------------------------|-----|--------|
| <input type="radio"/> 3 ½ year | | (1551) |
| <input type="radio"/> 7 ½ year | | (1552) |
| <input type="radio"/> 11 ½ year | | (1553) |

Small Entity

- | | Fee | Code |
|---|-----|--------|
| <input checked="" type="radio"/> 3 ½ year | | (2551) |
| <input type="radio"/> 7 ½ year | | (2552) |
| <input type="radio"/> 11 ½ year | | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/Rob L. Phillips, Reg. #40305/	Date (YYYY-MM-DD)	2011-05-03
Name	Rob L. Phillips	Registration Number	40305
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/187,734	06/27/2002	Zhi-wen Sun	AMAT/6386/CPI/ECP/PJS	1619
7590 06/17/2011 MOSER, PATTERSON & SHERIDAN, L.L.P. Patent Counsel APPLIED MATERIALS, INC. P.O. Box 450A Santa Clara, CA 95052			EXAMINER KOEHLER, ROBERT R	
			ART UNIT 1775	PAPER NUMBER
			MAIL DATE 06/17/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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D. MORGAN TENCH
1180 CORTE RIVIERA
CAMARILLO, CA 93010

In re Patent No. 6,808,611
Issue Date: October 26, 2004
Appl. No: 10/187,734
Filed: June 27, 2002
For: Correction of Inventorship

This is a decision on the petition filed May 31, 2011, to correct inventorship under 37 CFR 1.324.

The petition is **GRANTED**.

The patented filed is being forwarded to Certificate of Corrections Branch for issuance of a certificate naming only the actual inventor or inventors.

/Michael Marcheschi/

Michael Marcheschi
Supervisory Patent Examiner Art Unit 1775
Technology Center 1700



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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D. MORGAN TENCH
1180 CORTE RIVIERA
CAMARILLO, CA 93010

In re Patent No. 6,808,611
Issue Date: October 26, 2004
Appl. No: 10/187,734
Filed: June 27, 2002
For: Correction of Inventorship

This is a decision on the petition filed May 31, 2011, to correct inventorship under 37 CFR 1.324.

The petition is **GRANTED**.

The patented filed is being forwarded to Certificate of Corrections Branch for issuance of a certificate naming only the actual inventor or inventors.

/Michael Marcheschi/

Michael Marcheschi
Supervisory Patent Examiner Art Unit 1775
Technology Center 1700

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6,574,920	2003-06-10	10/188,242	2002-07-01	8403.590

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|----------------------------------|-----------|--------|
| <input type="radio"/> | 3 ½ year | (1551) |
| <input checked="" type="radio"/> | 7 ½ year | (1552) |
| <input type="radio"/> | 11 ½ year | (1553) |

Small Entity

- | | Fee | Code |
|-----------------------|-----------|--------|
| <input type="radio"/> | 3 ½ year | (2551) |
| <input type="radio"/> | 7 ½ year | (2552) |
| <input type="radio"/> | 11 ½ year | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/klhester/	Date (YYYY-MM-DD)	2011-07-06
Name	Kathryn L. Hester, Ph.D.	Registration Number	46768
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Patent No. 6574920
Issue Date: June 10, 2003
Application No. 10188242
Filed: July 1, 2002
Attorney Docket No. 8403.590

:

:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)

:

This is a decision on the electronic petition, filed July 6, 2011, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of July 6, 2011. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LEVINE BAGADE HAN LLP
2400 GENG ROAD, SUITE 120
PALO ALTO CA 94303

MAILED

MAR 03 2011

OFFICE OF PETITIONS

In re Patent No. 7,186,262
Issued: March 6, 2007
Application No. 10/188,509
Filed: July 3, 2002
Attorney Docket No. 509192000221

ON PETITION

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed January 25, 2011.

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

Joan Olszewski
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Paper No.

PHILLIP SEAWRIGHT
P.O. BOX 427
HOOKER, OK 73945

MAILED

FEB 23 2012

**OFFICE OF PETITIONS
ON PETITION**

In re Patent No. 6,644,694 :
Issue Date: November 11, 2003 :
Application No. 10/189,271 :
Filed: July 1, 2002 :
Patentee: Phillip Seawright :

This is a decision in response to the petition under 37 CFR 1.378(c), filed January 13, 2012, to accept the delayed payment of a maintenance fee for the above-identified patent.

The petition is **DISMISSED**.

This patent expired on November 11, 2011 for failure to pay the second maintenance fee. A petition to accept the unintentionally delayed payment of a maintenance fee under 35 U.S.C. § 41(c) and 37 CFR 1.378(c) must be accompanied by: (1) a statement that the delay was unintentional; (2) payment of the appropriate maintenance fee, unless previously submitted; and (3) payment of the surcharge set forth in 37 CFR 1.20(i)(2). This petition lacks item 3.

Since this petition was filed after expiration of the patent, the surcharge of \$1,640 under 37 CFR 1.20(i)(2) is required for reinstatement of the patent. Petitioner submitted a \$75 surcharge. Therefore, the surcharge is deficient by \$1,565. It is noted that the petition does not include an authorization to charge any fee deficiency to a deposit account. Accordingly, the petition cannot be granted at this time.

If reconsideration of this decision is desired, a petition for reconsideration under 37 CFR 1.378(e) must be filed within TWO (2) MONTHS from the mail date of this decision. No extension of this two-month time limit can be granted under 37 CFR 1.136(a) or (b). This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Any petition for reconsideration of this decision must be accompanied by the petition fee of \$400 as set forth in 37 CFR 1.17(f) and include the lacking item(s) noted above, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

If petitioner does not wish to pursue reinstatement of this expired patent, petitioner may request that the \$1,425 maintenance fee and the \$75 surcharge fees be refunded. The request should be made in writing and addressed to: Mail Stop 16, Director of the U.S. Patent and Trademark Office, P. O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany petitioner's request.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: Customer Service Window
 Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By fax: (571) 273-8300
 ATTN: Office of Petitions

By Internet: EFS-Web¹

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

¹ www.uspto.gov/ebs/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 3-22-11

Paper No.: _____

TO SPE OF : ART UNIT 2836

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/184339 Patent No.: 7,110,235

CofC mailroom date: 3-14-11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES: Should CofC be approved?

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Ennis Young
 Certificates of Correction Branch
 703-756-1814 _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

/Jared Fureman/

2836

SPE

Art Unit



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

OCT 15 2010

OFFICE OF PETITIONS

DAVID S. JORDAN
344 WARDLEY RD
KNOXVILLE TN 37922

In re Application of
Jordan
Application No. 10/189,496
Filed: 07/08/2002
Title: CONDUIT LAYOUT TOOL

DECISION ON PETITION

This is a decision on the petition filed on March 28, 2005, which is being treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment.

On November 4, 2004, the Office mailed a Notice of Non-Compliant Amendment, which set a one-month extendable period to reply. In the absence of a timely filed reply, the application was held abandoned on December 5, 2004. A Notice of Abandonment was mailed on February 11, 2005.

In the present petition, petitioner requested that the Office withdraw the holding of abandonment due to non-receipt of the Notice of Non-Compliant Amendment.

PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

A review of the record indicates no irregularity in the mailing of the Notice of Non-Compliant Amendment and in the absence of any irregularity in the mailing, there is a strong presumption that the Notice was properly mailed to the address of record. This presumption may be overcome by a showing that the Notice was not in fact received. The showing required to establish non-receipt of an Office communication must include a statement from the practitioner, stating that the practitioner did not receive the Office communication and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. For example, if a three-month period for reply was set in the non-received Office communication, a copy of the docket report showing all replies docketed for a date three months from the mail date of the non-received Office communication must be submitted as documentary proof of non-receipt of the Office communication. The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the

Office communication may have been lost after receipt rather than a conclusion that the Office communication was lost in the mail (*e.g.* if the practitioner has a history of not receiving Office communications).

After reviewing the documents submitted on petition, the Office concludes that the showing of record is sufficient to warrant withdrawal of the holding of abandonment. Petitioner submitted a copy of the docket records where the non-received Notice of Non-Compliant Amendment would have been entered had it been received and docketed. Additionally, petitioner attested to the fact that a search of the records indicated that the Notice was not received.

As petitioner made the required showing, the petition to withdraw the holding of abandonment is **granted**.

Technology Center Art Unit 2859 has been advised of this decision. The matter is being referred to the Technology Center's technical support staff for re-mailing of the Notice of Non-Compliant Amendment. The one-month extendable time period for responding to the Notice of Non-Compliant Amendment will be set to run from the re-mailing date of the Notice.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3211.



Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Patent No. 6891902
Issue Date: May 10, 2005
Application No. 10189755
Filed: July 2, 2002
Attorney Docket No. P148US1

:

:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)

:

This is a decision on the electronic petition, filed October 12, 2010, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of October 12, 2010. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6891902	2005-05-10	10189755	2002-07-02	P148US1

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|----------------------------------|-----------|--------|
| <input checked="" type="radio"/> | 3 ½ year | (1551) |
| <input type="radio"/> | 7 ½ year | (1552) |
| <input type="radio"/> | 11 ½ year | (1553) |

Small Entity

- | | Fee | Code |
|-----------------------|-----------|--------|
| <input type="radio"/> | 3 ½ year | (2551) |
| <input type="radio"/> | 7 ½ year | (2552) |
| <input type="radio"/> | 11 ½ year | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

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Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/Kendal M. Sheets/	Date (YYYY-MM-DD)	2010-10-12
Name	Kendal M. Sheets	Registration Number	47077
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

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2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/189,837	07/05/2002	Alan Young	063170.6814	2903
5073 7590 10/19/2011 BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980			EXAMINER NGUYEN, TAN D	
			ART UNIT 3689	PAPER NUMBER
			NOTIFICATION DATE 10/19/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptomail1@bakerbotts.com
glenda.orrantia@bakerbotts.com



UNITED STATES PATENT AND TRADEMARK OFFICE

OCT 18 2011

Baker Botts L.L.P.
2001 Ross Avenue
Suite 600
Dallas, TX 75201

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Application of	:	
YOUNG et.al.	:	
Application No. 10/189,837	:	DECISION ON PETITION
Filed: July 5, 2002	:	UNDER 37 C.F.R. 1.181 TO
For: SYSTEM AND METHOD FOR GENERATING AND	:	WITHDRAW CLAIM
PROPAGATING BUSINESS EVENTS	:	OBJECTIONS

This is in response to applicant's Petition filed on June 7, 2010, requesting relief from the Examiner's repeated objections to Claims 6-8, 12-14, and 18-20 under 37 C.F.R 1.75(c) for the dependent claims failing to further limit the independent claim.

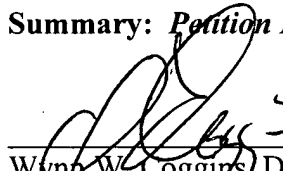
The petition is **DISMISSED AS MOOT**.

Petitioner alleges that the examiner erred in objecting to Claims 6-8, 12-14, and 18-20 for failing to further limit the independent claim. The petitioner alleges that Claims 6-8, 12-14 and 18-20 are not merely generic versions of the claims from which they depend; rather they comprise elements that further limit the scope of the claims from which they depend.

37 C.F.R 1.75(c) states that one or more claims may be presented in dependent form, referring back to and further limiting another claim or claims in the same application.

A review of the record indicates that a non-final office action was mailed September 2, 2010, and a final office action was mailed 3/4/11, both of which do not contain the claim objections which the applicant has alleged were made in error. Further the examiner in the non-final office action of September 2, 2010 has indicated that the applicant's arguments were persuasive and the claim objections have been dropped.

Summary: *Petition Dismissed as Moot*


Wynn W. Coggins, Director
Patent Technology Center 3600
571-272-5350
JAP 9/29/11

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
7009409	2006-03-07	10191155	2002-07-09	

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|---------------------------------|-----|--------|
| <input type="radio"/> 3 ½ year | | (1551) |
| <input type="radio"/> 7 ½ year | | (1552) |
| <input type="radio"/> 11 ½ year | | (1553) |

Small Entity

- | | Fee | Code |
|---|-----|--------|
| <input checked="" type="radio"/> 3 ½ year | | (2551) |
| <input type="radio"/> 7 ½ year | | (2552) |
| <input type="radio"/> 11 ½ year | | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☐ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☒ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

A Joint Patentee and I certify that I am authorized to sign this submission on behalf of all the other patentees			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature.			
Signature	/Neil R. Davie/	Date (YYYY-MM-DD)	2011-03-30
Name	Neil R. Davie		
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Patent No. 7009409 :
Issue Date: March 7, 2006 :
Application No. 10191155 :DECISION GRANTING PETITION
Filed: July 9, 2002 :UNDER 37 CFR 1.378(c)
Attorney Docket No. 008280.000002 :

This is a decision on the electronic petition, filed March 31, 2011, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of March 31, 2011. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ROBIC, LLP
1001 Victoria-Square – Bloc E – 8th floor
Montreal, Quebec, Canada H2Z 2B7

MAILED

OCT 25 2011

OFFICE OF PETITIONS

In re Patent No. 6,712,116 :
Issued: 03/30/2004 :
Application No. 10/191,725 :
Filed: 03/30/2004 :
Attorney Docket No. 09680.0206US01 :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed September 23, 2011.

The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Cc: MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

RG & ASSOCIATES
1103 TWIN CREEKS
ALLEN, TX 75013

MAILED

SEP 28 2010

OFFICE OF PETITIONS

In re Application of
Babu V. Mani
Application No. 10/192,068
Filed: July 10, 2002
Attorney Docket No. 135962

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 13, 2010, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, March 5, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on June 6, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1620, and (3) a proper statement of unintentional delay.

In view of the above, the petition is **GRANTED**.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must so notify the Office.

This application has been abandoned for an extended period of time. The U.S. Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting the statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." See Changes to

Patent Practice and Procedure, 62 Fed. Reg., at 53160 and 53178; 1203 Off. Gaz. Pat. Office, at 88 and 103 (responses to comments 64 and 109) (applicant obligated under 37 CFR 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 CFR 1.137(b) to the U.S. Patent and Trademark Office).

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2626 for appropriate action by the Examiner in the normal course of business on the reply received August 13, 2010.



April M. Wise
Petitions Examiner
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Russell W. Pyle
Suite 850
221 N. LaSalle St.
Chicago IL 60601

MAILED

SEP 20 2011

OFFICE OF PETITIONS

In re Patent No. 6,830,798	:	
Issue Date : December 14, 2004	:	
Application No. 10/192,308	:	DECISION ON PETITION
Filed: July 10, 2002	:	
Attorney Docket No. RAY 40031	:	

This is a decision on the Petition For Expungement of Assignment Under MPEP 323.01(d), filed August 4, 2011, which is being treated as a petition under 37 CFR 1.182 to expunge an assignment previously recorded against the above-identified application.

The petition is **granted**.

Petitioner indicates that sections of the Contributions and Purchase Agreement are proprietary but were inadvertently provided on an assignment document associated with the above-identified application. Petitioner requests that this original document containing the sensitive proprietary information be expunged. A copy of this assignment document that redacts the proprietary information without disturbing the remainder of the document's contents was recorded at reel 026819 frame 0307 to replace the original document.

While, as noted in MPEP 323, the USPTO will not normally remove a recorded document but instead records supplemental correcting documents, the sensitive nature of the proprietary information in question justifies the requested expungement. Since the normal corrective procedures outlined in MPEP § 323.01(a) through § 323.01(c) will not provide the petitioner with adequate relief and the integrity of the assignment records will not be affected by granting the petition due to the presence of the newly recorded redacted copy, the requested expungement is granted.

The fee for a petitioner filed under 37 CFR 1.182 has been charged to petitioner's deposit account as authorized.

The relief will be effected as follows:

- (1) the USPTO will remove any and all reference "pointers" in its relevant systems to the agreement recorded at reel 023409 frame 0414, such that the agreement cannot be located by referencing any of the applications or patents associated with the above-identified application against which the agreement was formerly recorded;
- (2) the copy of the assignment document that redacts the proprietary information, recorded at reel 026819 frame 0307, will be recognized as having a date of recordation of October 23, 2009, the date the original document was recorded; and
- (3) the petition and decision associated with this expungement will be maintained in confidence separate from any application or patent file to protect the sensitive information, including the reel/frame numbers of the original document.

Telephone inquiries concerning this communication should be directed to Carl Friedman at (571) 272-6842.



Carl Friedman
Petitions Examiner
Office of Petitions

Cc: Morgan, Lewis & Bockius LLP
1701 Market Street
Philadelphia, PA 19103

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20120126

DATE : January 26, 2012

TO SPE OF : ART UNIT 2622

SUBJECT : Request for Certificate of Correction on Patent No.: 7843495

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - ST (South Tower) 9A22

Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments:

/LIN YE/
Supervisory Patent Examiner.Art Unit 2622

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
7,072,716	2006-07-04	10193658	2002-07-10	87072142

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|----------------------------------|-----------|--------|
| <input checked="" type="radio"/> | 3 ½ year | (1551) |
| <input type="radio"/> | 7 ½ year | (1552) |
| <input type="radio"/> | 11 ½ year | (1553) |

Small Entity

- | | Fee | Code |
|-----------------------|-----------|--------|
| <input type="radio"/> | 3 ½ year | (2551) |
| <input type="radio"/> | 7 ½ year | (2552) |
| <input type="radio"/> | 11 ½ year | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/Robert M. Isackson/	Date (YYYY-MM-DD)	2010-08-23
Name	Robert M. Isackson	Registration Number	31110
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

Privacy Act Statement

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The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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In re Patent No.	7072716	:
Issue Date:	July 4, 2006	:
Application No.	10193658	:DECISION GRANTING PETITION
Filed:	July 10, 2002	:UNDER 37 CFR 1.378(c)
Attorney Docket No.	8707.2142	:

This is a decision on the electronic petition, filed August 23, 2010, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of August 23, 2010. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.



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Finnegan Henderson Farabow Garrett Dunner LLP
901 New York Avenue
Washington DC 20001-4413

MAILED

SEP 30 2010

OFFICE OF PETITIONS

In re Patent No. 7,425,448	:	
Xu	:	DECISION UPON REMAND AND
Issue Date: November, 25 2008	:	RECONSIDERATION OF
Application No. 10/193,884	:	PATENT TERM ADJUSTMENT
Filed: September 16, 2008	:	AND NOTICE OF INTENT
Attorney Docket No. 099/003	:	TO ISSUE CERTIFICATE OF
Title: Cardiomyocyte Precursors	:	CORRECTION
from Human embryonic stem cells	:	

This is a decision following remand from the District Court for the District of Columbia regarding the patent term adjustment indicated on the above-identified patent. The Court remanded this matter to the U.S. Patent and Trademark Office for recalculation of the patent term adjustment in accordance with the decision in Wyeth & Elan Pharma Int'l Ltd. v. Kappos, 591 F.3d 1364 (Fed. Cir. 2010).

The patent term adjustment indicated on the above-identified patent has been recalculated as directed by the Court. The term of the above-identified patent is extended or adjusted by fifteen hundred and thirty-two (1532) days.

The application is being forwarded to the Certificates Branch for issuance of a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by fifteen hundred and thirty-two (1532) days.

Telephone inquiries specific to this matter should be directed to Senior Legal Advisor Kery A. Fries at (571) 272-7757.

Patent No. 7,425,448
/Kery A. Fries/

Application No. 10/193,884

Page 2

Kery Fries
Senior Legal Advisor Attorney
Office of Patent Legal Administration
Office of Associate Commissioner
For Patent Examination Policy

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,425,448

DATED : September 16, 2008

DRAFT

INVENTOR(S) : Xu.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 1009 days

Delete the phrase "by 1009 " and insert – by 1532 days--

Day : Wednesday

Date: 9/29/2010

Time: 10:21:11

PALM INTRANET**PTA Calculations for Application: 10/193884**

Application Filing Date:	07/12/2002	PTO Delay (PTO):	1162
Issue Date of Patent:	09/16/2008	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	153
Post-Issue Petitions:	0	Total PTA (days):	1532
PTO Delay Adjustment:	523		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
117	09/29/2010	ADJUSTMENT OF PTA CALCULATION BY PTO		1	
116	09/29/2010	ADJUSTMENT OF PTA CALCULATION BY PTO		8	
115	09/29/2010	ADJUSTMENT OF PTA CALCULATION BY PTO	532		
108.5	08/27/2008	PTA 36 MONTHS	72		
108	09/16/2008	PATENT ISSUE DATE USED IN PTA CALCULATION			
107	08/22/2008	EXPORT TO FINAL DATA CAPTURE			
106	08/21/2008	FINISHED INITIAL DATA CAPTURE			
105	08/21/2008	DISPATCH TO FDC			
104	08/05/2008	ISSUE FEE PAYMENT VERIFIED			
103	08/04/2008	EXPORT TO INITIAL DATA CAPTURE			
102	08/06/2008	APPLICATION IS CONSIDERED READY FOR ISSUE			
101	08/05/2008	ISSUE FEE PAYMENT VERIFIED			
100	08/05/2008	STATEMENT FILED INDICATING A LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS			
99	08/05/2008	ISSUE FEE PAYMENT RECEIVED			
98	08/01/2008	MAIL NOTICE OF ALLOWANCE			
97	07/29/2008	MAIL BOA MISCELLANEOUS COMMUNICATION TO APPLICANT			
96	07/29/2008	BOA MISCELLANEOUS COMMUNICATION TO APPLICANT			
95	07/22/2008	ISSUE REVISION COMPLETED			
94	07/22/2008	DOCUMENT VERIFICATION			
93	07/22/2008	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
92	07/22/2008	CASE DOCKETED TO EXAMINER IN GAU			
91	07/15/2008	NOTICE OF ALLOWABILITY			

87	04/28/2008	MAIL BPAI DECISION ON APPEAL - REVERSED	567		41
86	04/28/2008	BPAI DECISION - EXAMINER REVERSED			
85	03/17/2008	CONFIRMATION OF HEARING BY APPELLANT			
84	02/28/2008	NOTIFICATION OF APPEAL HEARING			
83	02/13/2008	CHANGE IN POWER OF ATTORNEY (MAY INCLUDE ASSOCIATE POA)			
82	02/12/2008	CORRESPONDENCE ADDRESS CHANGE			
81	02/12/2008	CORRESPONDENCE ADDRESS CHANGE			
80	12/05/2007	DOCKETING NOTICE MAILED TO APPELLANT			
77	11/13/2007	ASSIGNMENT OF APPEAL NUMBER			
76	10/03/2007	APPEAL AWAITING BPAI DOCKETING			
75	05/25/2007	REQUEST FOR ORAL HEARING			
74	06/28/2007	MAIL MISCELLANEOUS COMMUNICATION TO APPLICANT			
73	06/25/2007	MISCELLANEOUS COMMUNICATION TO APPLICANT - NO ACTION COUNT			
68	06/19/2007	MAIL REPLY BRIEF NOTED BY EXAMINER			
67	06/15/2007	REPLY BRIEF NOTED BY EXAMINER			
66	05/28/2007	DATE FORWARDED TO EXAMINER			
65	05/25/2007	REPLY BRIEF FILED			
64	06/13/2007	WITHDRAW OF RETURN OF APPEAL			
54	04/24/2007	RETURN OF UNDOCKETED APPEAL TO THE TC			
53	04/24/2007	EXAM. ANS. REVIEW COMPLETE			
52	03/26/2007	MAIL EXAMINER'S ANSWER			
51	03/19/2007	EXAMINER'S ANSWER TO APPEAL BRIEF			
50	01/05/2007	APPEAL BRIEF REVIEW COMPLETE			
49	01/05/2007	DATE FORWARDED TO EXAMINER			
48	11/30/2006	APPEAL BRIEF FILED			
47	11/24/2006	NOTICE -- DEFECTIVE APPEAL BRIEF			
46	11/21/2006	APPEAL BRIEF REVIEW COMPLETE			
45	11/21/2006	DATE FORWARDED TO EXAMINER			
44.1	11/06/2006	DEFECTIVE / INCOMPLETE APPEAL BRIEF FILED			
44	11/06/2006	APPEAL BRIEF FILED			
43	11/02/2006	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
42	10/27/2006	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
41	10/10/2006	NOTICE OF APPEAL FILED		61	34

40	10/10/2006	REQUEST FOR EXTENSION OF TIME - GRANTED			
39	09/12/2006	MAIL ADVISORY ACTION (PTOL - 303)			
38	09/05/2006	ADVISORY ACTION (PTOL-303)			
37	08/07/2006	DATE FORWARDED TO EXAMINER			
36	08/01/2006	AMENDMENT AFTER FINAL REJECTION			
35	05/10/2006	MAIL NOTICE OF WITHDRAWN ACTION			
34	05/10/2006	MAIL FINAL REJECTION (PTOL - 326)			
33	05/08/2006	FINAL REJECTION			
32	03/07/2006	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
31	05/08/2006	LETTER WITHDRAWING / VACATING OFFICE ACTION			
30	04/25/2006	CORRESPONDENCE ADDRESS CHANGE			
29	04/17/2006	MAIL FINAL REJECTION (PTOL - 326)			
28	04/13/2006	FINAL REJECTION			
27	03/28/2006	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
26	03/20/2006	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
25	02/14/2006	DATE FORWARDED TO EXAMINER			
24	02/02/2006	RESPONSE AFTER NON-FINAL ACTION			
23	10/10/2002	REFERENCE CAPTURE ON IDS			
22	11/02/2005	MAIL NON-FINAL REJECTION			
21	10/31/2005	NON-FINAL REJECTION			
20	08/29/2005	DATE FORWARDED TO EXAMINER			
19	08/16/2005	RESPONSE AFTER NON-FINAL ACTION		92	15
18	08/16/2005	REQUEST FOR EXTENSION OF TIME - GRANTED			
17	03/16/2005	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
16	03/07/2005	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
15	02/16/2005	MAIL NON-FINAL REJECTION	523		-1
14	02/16/2005	NON-FINAL REJECTION			
13.7	10/10/2002	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
13	10/10/2002	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
12	08/19/2003	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
		IFW TSS PROCESSING BY TECH CENTER			

11	08/19/2003	COMPLETE			
9	09/27/2002	CASE DOCKETED TO EXAMINER IN GAU			
8	08/25/2002	RECEIPT OF ALL ACKNOWLEDGEMENT LETTERS			
7	08/23/2002	APPLICATION DISPATCHED FROM OIPE			
6	08/16/2002	APPLICATION IS NOW COMPLETE			
4	07/30/2002	REFERRED BY L&R FOR THIRD-LEVEL SECURITY REVIEW. AGENCY REFERRAL LETTER GENERATED			
3	07/27/2002	IFW SCAN & PACR AUTO SECURITY REVIEW			
2	07/26/2002	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	07/12/2002	INITIAL EXAM TEAM NN			

Search Another: Application#

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON DC 20006-1109

MAILED
SEP 27 2010
OFFICE OF PETITIONS

In re Application of :
Dieter Munchow :
Application No. 10/193,902 : **DECISION ON PETITION**
Filed: July 15, 2002 :
Attorney Docket No. 626676.000005 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 13, 2010, to revive the above-identified application.


This application became abandoned as a result of petitioner's failure to take appropriate action in a timely manner after the decision of June 3, 2010 by the Board of Patent Appeals and Interferences. Therefore, the proceedings as to the rejected claims were terminated. See 37 CFR 1.197(b). As no claim was allowed, the application became abandoned on August 4, 2010. See MPEP 1214.06.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$810, and the submission required by 37 CFR 1.114; (2) the petition fee of \$1620; and (3) a proper statement of unintentional delay.

In view of the above, the petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 1791 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

A handwritten signature in cursive script, appearing to read "April M. Wise".

April M. Wise
Petitions Examiner
Office of Petitions



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ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON VA 22209-3873

MAILED
FEB 04 2011
OFFICE OF PETITIONS

In re Patent No. 7,372,292	: DECISION GRANTING PETITION
Issue Date: May 13, 2008	: UNDER 37 CFR 1.78(a)(3) AND
Application No. 10/194,310	: REQUEST FOR CERTIFICATE OF
Filed: July 15, 2002	: CORRECTION
Attorney Docket No. 500.33011CC10	:

This is a decision on the petition, filed September 2, 2010, which is being treated as a petition under 37 CFR 1.78(a)(3), seeking to correct a claim for priority under 35 U.S.C. § 120 by way of a certificate of correction.

The petition is **granted**.

The instant application was filed July 15, 2002. Therefore, since this application was filed after November 29, 2000, a petition under 37 CFR 1.78(a)(3), along with submission of a Certificate of Correction, is the appropriate avenue of relief to accept a late claim for the benefit of priority to a prior-filed nonprovisional application after issuance of the application into a patent. *See* MPEP 1481.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

As the petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the above-noted prior-filed nonprovisional application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

A corrected Filing Receipt, which includes the priority claim to the above-noted, prior-filed nonprovisional application, accompanies this decision on petition.

Petitioner is advised that the granting of this petition and the mailing of a corrected Filing Receipt should not be viewed as an indication that a determination has been made that this

application is entitled to claim benefit of the prior-filed applications. A determination that applicant is entitled to claim benefit of the prior-filed application will be made by the Examiner prior to the mailing of a certificate of correction.

The Office is in receipt of the \$1,410 surcharge as well as the \$100 certificate of correction fee.

Any inquiries concerning this decision may be directed to Kenya A. McLaughlin, Petitions Attorney, at (571) 272-3222.

This application is being referred to the Certificates of Correction Branch for processing the request for a certificate of correction in accordance with this decision on the petition under 37 CFR 1.78(a)(3).



Chris Bottorff
Supervisor
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
10/194,310	07/15/2002	2819	3332	500.33011CC10	19	1

CONFIRMATION NO. 3724

CORRECTED FILING RECEIPT



OC000000045805910

20457

ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209-3873

Date Mailed: 02/02/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Toshitsugu Takekuma, Ebina-shi, JAPAN;
Ryoichi Kurihara, Hadano-shi, JAPAN;
Akira Yamagiwa, Hadano-shi, JAPAN;

Power of Attorney:

David Terry--20178	Stanley Wal--26432
Donald Antonelli--20296	Gregory Montone--28141
Melvin Kraus--22466	William Solomon--28565
James Dresser--22973	Ronald Shore--28577
Donald Stout--26422	Alan Schiavelli--32087

Domestic Priority data as claimed by applicant

This application is a CON of 09/891,322 06/27/2001 PAT 6,420,900
which is a CON of 09/716,251 11/21/2000 PAT 6,441,639
which is a CON of 09/084,017 05/26/1998 PAT 6,172,517
which is a CON of 08/773,753 12/24/1996 PAT 5,818,253
which is a CON of 08/596,724 02/05/1996 PAT 5,627,481
which is a CON of 08/269,352 06/30/1994 PAT 5,548,226

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

JAPAN 05-334631 12/28/1993
JAPAN 5-334631 12/28/1993

If Required, Foreign Filing License Granted: 08/19/2002

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/194,310**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
Title

SIGNAL TRANSMITTING DEVICE SUITED TO FAST SIGNAL TRANSMISSION

Preliminary Class

326

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

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NOT GRANTED

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P. O. BOX 398
AUSTIN TX 78767-0398

MAILED
MAR 07 2011
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In re Application of
Thomas A. Makowski et al.
Application No. 10/194,476
Filed: July 12, 2002
Attorney Docket No. 5150-60100

:
: **DECISION ON APPLICATION**
: **FOR PATENT TERM ADJUSTMENT**
:

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(B)" filed November 24, 2010. Applicants request that the patent term adjustment at the time of the mailing of the Notice of Allowance be corrected from 1373 days to 2336 days.

The application for patent term adjustment is **GRANTED** to the extent indicated herein.

On August 25, 2010, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is 1373 days. The instant application for patent term adjustment was timely filed¹. Applicants dispute a reduction of 1 day from the mailing of an Office Action on February 3, 2010 and the reply filed on March 25, 2010. Applicants also dispute a reduction of 962 days from the PTO PAIR entry "Response to 37 CFR 1.251 Notice - Papers Provided for File Reconstruction" on April 23, 2007 (the "Reconstruction Response") to the Electronic Information Disclosure Statement filed December 10, 2009 ("IDS").

Pursuant to 37 CFR § 1.704(c)(8), the submission of a supplemental reply or other paper, other than a supplemental reply or other paper expressly requested by the examiner, after a reply has been filed, is a failure to engage in reasonable efforts to conclude prosecution.

With respect to the reduction of 1 day of PTA, a review of the record reveals that the reduction was inappropriately attributed to applicant for the filing of the Terminal

¹ PALM records indicate that the Issue Fee was also received on November 24, 2010.

to the non-Final Office Action mailed February 3, 2010. The response to the non-Final Office Action was incorrectly listed as having been filed on March 24, 2010 instead of the receipt date of March 25, 2010, the same day the Terminal Disclaimer was filed. Thus, instead of a one (1) day reduction for applicant delay pursuant to 37 C.F.R. 1.704(c)(8), zero (0) days should have been accorded for applicant delay.

Applicant's argument with respect to the reduction of 962 days for Applicant Delay has been considered, but not found to be persuasive.

In this instance, the filing of the Information Disclosure Statement on August 5, 2010 is considered a failure to engage under 1.704(c)(8). The record does not support a conclusion that the IDS was expressly requested by the examiner and neither did the IDS include a 1.704(d) statement.

In view thereof, it is concluded that the determination of patent term adjustment at the time of the mailing of the Notice of Allowance is 1374 days.

Receipt of the \$200.00 fee set forth in 37 CFR 1.18(e) is acknowledged. No additional fees are required.

The application is being forwarded to the Office of Data Management for issuance of the patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3212.

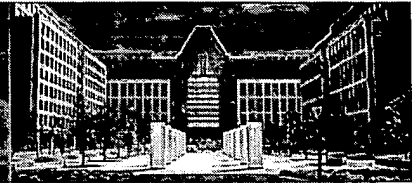
/Patricia Faison-Ball/

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of Revised PALM Screen



Patent Term Adjustments



PTA/PTE Information Patent Term Adjustment Patent Term Extension

Application Number*: 10194476

Search

Explanation of PTA Calculation

Explanation of PTE Calculation

PTA Calculations for Application: 10194476

Application Filing Date	07/12/2002	OverLapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays	2336
A Delays	2336	PTO Manual Adjustment	1
B Delays	0	Applicant Delay (APPL)	963
C Delays	0	Total PTA (days)	1374

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
66	02/28/2011		P028	Adjustment of PTA Calculation by PTO	1		0
52	08/25/2010		MN/=.	Mail Notice of Allowance			0
51	08/24/2010		IREV	Issue Revision Completed			0
50	08/24/2010		DVER	Document Verification			0
48	08/24/2010		EX.A	Examiner's Amendment Communication			0
47	08/24/2010		N/=.	Notice of Allowance Data Verification Completed			0
46	08/23/2010		CNTA	Allowability Notice			0
49	08/20/2010		EXIN	Examiner Interview Summary Record (PTOL - 413)			0
45	07/27/2010		FWDX	Date Forwarded to Examiner			0
42	07/27/2010		ABN9	Disposal for a RCE / CPA / R129			0
44	07/26/2010		AMSB	Amendment Submitted/Entered with Filing of CPA/RCE			0
43	07/26/2010		RCEX	Request for Continued Examination (RCE)			0
41	07/26/2010		BRCE	Workflow - Request for RCE - Begin			0
40	06/30/2010		MCTFR	Mail Final Rejection (PTOL - 326)			0
39	06/21/2010		CTFR	Final Rejection			0
38	04/13/2010		FWDX	Date Forwarded to Examiner			0
36	04/13/2010		C.AD	Correspondence Address Change			0
35	04/13/2010		C.AD	Correspondence Address Change			0
34	04/09/2010		P574	Paralegal TD Accepted			0
33	03/25/2010	03/24/2010	DIST	Terminal Disclaimer Filed		1	37
37	03/24/2010		A...	Response after Non-Final Action			0
32	02/03/2010	09/12/2003	MCTNF	Mail Non-Final Rejection	2336		-1
31	02/01/2010		CTNF	Non-Final Rejection			0
27	12/10/2009		IDSC	Information Disclosure Statement considered			0
26	12/10/2009	04/23/2007	EIDS.	Electronic Information Disclosure Statement		962	20
24	12/10/2009		WIDS	Information Disclosure Statement (IDS) Filed			0
23	12/09/2009		LFRCOMP	Reconstruction Completed			0
22	10/17/2007		W525	Withdraw Flagged for 5/25			0
21	10/15/2007		F525	Flagged for 5/25			0
20	04/23/2007		2513	Response to 37 CFR 1.251 Notice - Papers Provided for File Reconstruction			0
19	04/03/2007		M2510	Mail Reconstruction Notice - Pending Application			0
18	04/02/2007		2510	Reconstruction Notice under 37 CFR 1.251 - Pending Application			0
17	03/21/2006		DOCK	Case Docketed to Examiner in GAU			0
16	03/14/2006		DOCK	Case Docketed to Examiner in GAU			0
15	02/27/2006		DOCK	Case Docketed to Examiner in GAU			0
14	05/23/2005		M2510	Mail Reconstruction Notice - Pending Application			0
13	05/21/2005		2510	Reconstruction Notice under 37 CFR 1.251 - Pending Application			0
12	04/23/2005		LFRECON	Reconstruction of File - Begin			0
11	12/22/2004		LFLOST	File Marked Lost			0
10	06/12/2004		TI1050	Transfer Inquiry to GAU			0
9	06/07/2004		TI1050	Transfer Inquiry to GAU			0
8	04/22/2004		DOCK	Case Docketed to Examiner in GAU			0
6	06/19/2003		DOCK	Case Docketed to Examiner in GAU			0
28	12/03/2002		IDSC	Information Disclosure Statement considered			0
25	12/03/2002		WIDS	Information Disclosure Statement (IDS) Filed			0
7.7	12/03/2002		M844	Information Disclosure Statement (IDS) Filed			0
7	12/03/2002		WIDS	Information Disclosure Statement (IDS) Filed			0
5	12/02/2002		TI1050	Transfer Inquiry to GAU			0
4	09/11/2002		OIPE	Application Dispatched from OIPE			0
3	09/06/2002		COMP	Application Is Now Complete			0
2	07/27/2002		SCAN	IFW Scan & PACR Auto Security Review			0
1	07/12/2002		IEXX	Initial Exam Team nn			0

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P. O. BOX 398
AUSTIN TX 78767-0398

MAILED
AUG 10 2011
OFFICE OF PETITIONS

In re Patent No. 7,969,431
Issued: June 28, 2011
Application No. 10/194,476
Filed: July 12, 2002
Attorney Docket No. **5150-60100**

: DECISION ON REQUEST
: FOR RECONSIDERATION
: OF PATENT TERM ADJUSTMENT
: AND
: NOTICE OF INTENT TO ISSUE
: CERTIFICATE OF CORRECTION

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(B)" filed July 28, 2011. Applicants request that the patent term adjustment at the time of the mailing of the Notice of Allowance be corrected from 970 days to 1640 days. Since the patent has now issued, the request is being treated under 37 CFR 1.705(d).

This is a decision on the "PETITION UNDER 37 C.F.R. § 1.182" filed July 28, 2011.

The application for patent term adjustment is **GRANTED to the extent indicated herein**. In view thereof, the petition under 37 C.F.R. § 1.182 is dismissed as involving moot issues.

The patent term adjustment indicated on the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of two thousand six hundred one (**2601**) days.

On August 25, 2010, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is 1373 days. An application for patent term adjustment was timely filed under 37 CFR 1.705(b) on November 24, 2010¹. Applicants disputed a reduction of 1 day from the mailing of an Office Action on February 3, 2010 and the reply filed on March 25, 2010. Applicants also disputed a reduction of 962 days from the PTO PAIR entry "Response to 37 CFR 1.251 Notice - Papers Provided for File Reconstruction" on April 23, 2007 (the "Reconstruction Response") to the Electronic Information Disclosure Statement filed December 10, 2009 ("IDS").

¹ PALM records indicate that the Issue Fee was also received on November 24, 2010.

A decision on petition mailed March 3, 2011 concluded that the filing of the Information Disclosure Statement on August 5, 2010 is considered a failure to engage under 1.704(c)(8) and that the response to the non-Final Office Action was incorrectly listed as having been filed on March 24, 2010 instead of the receipt date of March 25, 2010, the same day the Terminal Disclaimer was filed. Thus, instead of a one (1) day reduction for applicant delay pursuant to 37 C.F.R. §1.704(c)(8), zero (0) days should have been accorded for applicant delay. In view thereof, the determination of patent term adjustment at the time of the mailing of the Notice of Allowance was 1374 days.

On June 28, 2011 the application matured into U.S. Patent No. 7,969,431 with a revised PTA thereon of 970 days.

Patentees continue to disagree with the reduction of 962 days for applicant delays as maintained in the decision mailed March 3, 2011 and argues that based on the calculation of Patent Term Adjustment as determined by the decision, the correct patent term adjustment based on the failure to issue the patent within four months of issue fee payment and the failure to issue the patent within three years should therefore be 2602 days provided the removal of 962 days of applicant delay is found to be correct.

Patentee's arguments have been considered, and found persuasive to an extent.

37 CFR 1.702(a)(1) provides that: Failure to take certain actions within specified time frames. Subject to the provisions of 35 U.S.C. 154(b) and this subpart, the term of an original patent shall be adjusted if the issuance of the patent was delayed due to the failure of the Office to:

Mail at least one of a notification under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151 not later than fourteen months after the date on which the application was filed under 35 U.S.C. 111(a) or fulfilled the requirements of 35 U.S.C. 371 in an international application;

In this instance, the Office action mailed February 3, 2010 was not mailed within fourteen months of the filing date. As the Office failed to take action within the time provided for in 37 CFR 1.702(a)(1), an adjustment to the Patent Term Adjustment should have been made in the amount of 2336 days from September 12, 2003 to February 3, 2010. The record will be corrected to remove the entry of 895 days Examination delay and 2336 days of Examination delay will be entered.

As for the 37 C.F.R. §1.704(c)(8) delay accorded Applicants for the filing of the Information Disclosure Statement on August 5, 2010, as the filing of the IDS was not a supplemental response, the 962 day reduction is incorrect and is being removed.

As the period from the filing date of the request for continued examination (RCE) to the

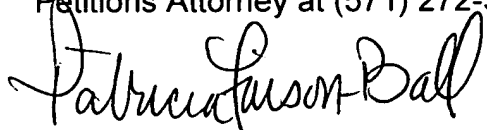
issue date of the patent is not included in the "B" delay period, the over three year period begins on July 12, 2005 and ends on July 25, 2010, the day before the RCE was filed, and the B delay considering the 173 days of overlap is 1839 days. See 35 U.S.C. 154(b)(1)(B)(i).

As such, the patent term adjustment is 2601 (2432 "A delay days" + 1839 "B delay days" - 1667 days overlap - 3 Applicant delay days) days, not 1640 days.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **two thousand six hundred one (2601) days**.

Telephone inquiries specific to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.



Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

DRAFT
UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,969,431 B2
DATED : June 28, 2011
INVENTOR(S) : Thomas A. Makowski

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (970) days

Delete the phrase "by 970 days" and insert – by 2601 days--



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FOLEY & LARDNER LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON WI 53701-1497

MAILED

FEB 28 2011

OFFICE OF PETITIONS

In re Application :
Le, et al. :
Application No. 10/194,521 : PATENT TERM ADJUSTMENT
Filing or 371(c) Date: July 12, 2002 :
Dkt. No.: 088245-0109 :

This is in response to the application for patent term adjustment under 37 CFR 1.705(b), filed December 27, 2010.

Applicant submits that the correct patent term adjustment to be indicated on the patent is 1328 days, not 708 days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction on the basis that the Office will take in excess of three years to issue this patent.

Insofar as the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is DISMISSED as PREMATURE.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See, § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Applicant is advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time

of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee¹.

Receipt is hereby acknowledged of the required patent term adjustment application fee under 37 CFR 1.705(b) of \$200.00. See, 37 CFR 1.18(e). As the fee is required, the request for refund is dismissed.

However, any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and **must** include payment of the required fee under 37 CFR 1.18(e).

The application file is being forwarded to the Office of Data Management for issuance of the patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

¹ For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.



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P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

MAILED

FEB 28 2011

OFFICE OF PETITIONS

In re Patent No. 7,179,897 :
Issue Date: February 20, 2007 :
Application No. 10/194,584 :
Filed: July 12, 2002 :
Attorney Docket No. 01997-261002 :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed January 11, 2011. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See **DH Technology v. Synergystex International, Inc.** 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby accepted. The petition is **GRANTED.**

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

This file is being forwarded to Files Repository.

Telephone inquiries related to this decision should be directed to the Kimberly Inabinet at (571) 272-4618.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

cc: Daniel O'Brien
Massachusetts Institute of Technology
Technology Licensing Office
Five Cambridge Center, Kendall Square
Cambridge, MA 02142-1493



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In re Patent No.	6665913	:
Issue Date:	December 23, 2003	:
Application No.	10194861	:DECISION GRANTING PETITION
Filed:	July 12, 2002	:UNDER 37 CFR 1.378(c)
Attorney Docket No.	306121	:

This is a decision on the electronic petition, filed February 8, 2012, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of February 8, 2012. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6,665,913	2003-12-23	10/194,861	2002-07-12	91840-831162 (000710US)

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|-----------------------|-----------|--------|
| <input type="radio"/> | 3 ½ year | (1551) |
| <input type="radio"/> | 7 ½ year | (1552) |
| <input type="radio"/> | 11 ½ year | (1553) |

Small Entity

- | | Fee | Code |
|----------------------------------|-----------|--------|
| <input type="radio"/> | 3 ½ year | (2551) |
| <input checked="" type="radio"/> | 7 ½ year | (2552) |
| <input type="radio"/> | 11 ½ year | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/Roger D. Wylie/	Date (YYYY-MM-DD)	2012-02-08
Name	Roger D. Wylie	Registration Number	36974
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6544620	2003-04-08	10195026	2002-07-09	8403.629

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|----------------------------------|-----------|--------|
| <input type="radio"/> | 3 ½ year | (1551) |
| <input checked="" type="radio"/> | 7 ½ year | (1552) |
| <input type="radio"/> | 11 ½ year | (1553) |

Small Entity

- | | Fee | Code |
|-----------------------|-----------|--------|
| <input type="radio"/> | 3 ½ year | (2551) |
| <input type="radio"/> | 7 ½ year | (2552) |
| <input type="radio"/> | 11 ½ year | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/klhester/	Date (YYYY-MM-DD)	2011-04-15
Name	KATHRYN L. HESTER, Ph.D.	Registration Number	46768
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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In re Patent No. 6544620 :
Issue Date: April 8, 2003 :
Application No. 10195026 :DECISION GRANTING PETITION
Filed: July 9, 2002 :UNDER 37 CFR 1.378(c)
Attorney Docket No. 8403.629 :

This is a decision on the electronic petition, filed April 15, 2011, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of April 15, 2011. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6675581	2004-01-13	10195589	2002-07-15	PSSF.167430

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|----------------------------------|-----------|--------|
| <input type="radio"/> | 3 ½ year | (1551) |
| <input checked="" type="radio"/> | 7 ½ year | (1552) |
| <input type="radio"/> | 11 ½ year | (1553) |

Small Entity

- | | Fee | Code |
|-----------------------|-----------|--------|
| <input type="radio"/> | 3 ½ year | (2551) |
| <input type="radio"/> | 7 ½ year | (2552) |
| <input type="radio"/> | 11 ½ year | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/BRIAN R. MACK/	Date (YYYY-MM-DD)	2012-03-09
Name	BRIAN R. MACK	Registration Number	48253
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Patent No. 6675581 :
Issue Date: January 13, 2004 :
Application No. 10195589 :DECISION GRANTING PETITION
Filed: July 15, 2002 :UNDER 37 CFR 1.378(c)
Attorney Docket No. PSM - 048 :

This is a decision on the electronic petition, filed March 9, 2012, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of March 9, 2012. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BARNES & THORNBURG LLP
11 SOUTH MERIDIAN
INDIANAPOLIS IN 46204

MAILED

AUG 05 2010

OFFICE OF PETITIONS

In re Application of
Mark Joseph Pelo, et al.
Application No. 10/195,719
Filed: July 15, 2002
Attorney Docket No. 265280-71142

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: DECISION ON PETITION
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This is a decision on the petition, filed June 24, 2010, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the Notice of Non-Compliant Appeal Brief mailed June 2, 2009, which set a one (1) month or thirty (30) day shortened statutory period for reply. A Notice of Abandonment was mailed on June 4, 2010.

Petitioner asserts that the Office action dated June 2, 2009 was not received.

A review of the written record indicates no irregularity in the mailing of the Office action and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

1. a statement from practitioner stating that the Office action was not received by the practitioner;
2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and
3. a copy of the docket record where the non-received Office action would have been entered had it been received and docketed must be attached to and referenced in the practitioner's statement.

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petition satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact.

In view of the above, the Notice of Abandonment is hereby **vacated** and the holding of abandonment **withdrawn**.

Telephone inquiries concerning this decision should be directed to April M. Wise at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to the Technology Center technical support staff of Art Unit 3733 for re-mailing the Office action of June 2, 2009. The period for reply will run from the mailing date of the Office action.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PAUL M. DENK
763 SOUTH NEW BALLAS ROAD
ST. LOUIS, MO 63141

MAILED

MAR 28 2011

OFFICE OF PETITIONS

In re Application of :
Riney et al. :
Application No. 10/195,804 : DECISION ON PETITION
Filed: July 15, 2002 :
Attorney Docket No. 7260 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 8, 2011, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

This application became abandoned for failure to timely pay the issue and publication fees on or before August 25, 2005, as required by the Notice of Allowance and Fee(s) Due mailed May 25, 2005. Accordingly, the application became abandoned on August 26, 2005. A Notice of Abandonment was mailed September 27, 2005.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

While the Office recognizes that the reply in the form of the issue fee of \$755 and the publication fee of \$300 was submitted along with the petition and fee of \$810, the petition lacks item (3) the statement of unintentional delay since it is not signed by both inventors.

Petitioner's attention is directed to 37 CFR 1.33(b), which states that: Amendments and other papers filed in the application must be signed by: (1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b); (2) A registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34; (3) An assignee as provided for under § 3.71(b) of this chapter; or (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

In view of the above, this application cannot be revived until the required statement of unintentional delay "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional", is submitted by all applicants.

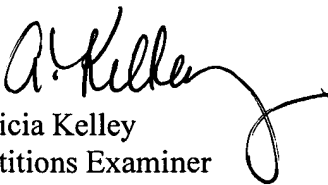
Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Any questions concerning this matter may be directed to the undersigned at (571) 272-6059.


Alicia Kelley
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PAUL M. DENK
763 SOUTH NEW BALLAS ROAD
ST. LOUIS, MO 63141

MAILED

JUN 20 2011

OFFICE OF PETITIONS

In re Application of
Riney et al.
Application No. 10/195,804
Filed: July 15, 2002
Attorney Docket No. 7260

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DECISION ON PETITION

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed June 1, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before August 25, 2005, as required by the Notice of Allowance and Fee(s) Due mailed May 25, 2005. Accordingly, the application became abandoned on August 26, 2005. A Notice of Abandonment was mailed September 27, 2005.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$755 and the publication fee of \$300, (2) the petition fee of \$810, and (3) an adequate statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059.

This application is being referred to the Office of Data Management for processing into a patent.

Alicia Kelley-Collier
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Patent No. 7134022 :
Issue Date: November 7, 2006 :
Application No. 10195836 :DECISION GRANTING PETITION
Filed: July 16, 2002 :UNDER 37 CFR 1.378(c)
Attorney Docket No. XETA04US :

This is a decision on the electronic petition, filed December 22, 2010, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of December 22, 2010. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
7134022	2006-11-07	10195836	2002-07-16	

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|---|-----|--------|
| <input checked="" type="radio"/> 3 ½ year | | (1551) |
| <input type="radio"/> 7 ½ year | | (1552) |
| <input type="radio"/> 11 ½ year | | (1553) |

Small Entity

- | | Fee | Code |
|---------------------------------|-----|--------|
| <input type="radio"/> 3 ½ year | | (2551) |
| <input type="radio"/> 7 ½ year | | (2552) |
| <input type="radio"/> 11 ½ year | | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☐ An attorney or agent registered to practice before the Patent and Trademark Office
- ☒ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

Sole Patentee			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature.			
Signature	/Terence. T. Flyntz/	Date (YYYY-MM-DD)	2010-12-22
Name	Terence T. Flyntz		
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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NOV 04 2011

OFFICE OF PETITIONS

DENNEMEYER & CO LTD
REGENT HOUSE
HEATON LANE
STOCKPORT CHESHIRE
ENGLAND SK4 1BB

In re Application of
Mok, et al.
Application No. 10/196,494
Filed: July 15, 2002
Patent No. 6,710,609
Issued: March 23, 2004

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: ON PETITION
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This is a decision on the fee deficiency submission under 37 CFR 1.28(c), filed October 6, 2011, and supplemented on October 11, 2011.

The fee deficiency submission under 37 CFR 1.28 of \$1610 for the 7.5 year maintenance fee is hereby accepted.

The change of status to large entity has been entered.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Patent No. 7040498
Issue Date: May 9, 2006
Application No. 10196592
Filed: July 16, 2002
Attorney Docket No. 3074M

:

:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)

:

This is a decision on the electronic petition, filed July 5, 2011, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of July 5, 2011. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
7040498	2006-05-09	10196592	2002-07-16	

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|-----------------------|-----------|--------|
| <input type="radio"/> | 3 ½ year | (1551) |
| <input type="radio"/> | 7 ½ year | (1552) |
| <input type="radio"/> | 11 ½ year | (1553) |

Small Entity

- | | Fee | Code |
|----------------------------------|-----------|--------|
| <input checked="" type="radio"/> | 3 ½ year | (2551) |
| <input type="radio"/> | 7 ½ year | (2552) |
| <input type="radio"/> | 11 ½ year | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☐ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☒ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

A Joint Patentee and I certify that I am authorized to sign this submission on behalf of all the other patentees			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature.			
Signature	/Brandon Rickman/	Date (YYYY-MM-DD)	2011-07-05
Name	Brandon Rickman		
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

Privacy Act Statement

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The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
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9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PATENT DEPARTMENT (51851)
KILPATRICK STOCKTON LLP
1001 WEST FOURTH STREET
WINSTON-SALEM NC 27101

MAILED

DEC 23 2010

OFFICE OF PETITIONS

In re Application of	:	
Olien et al.	:	DECISION ON REQUEST
Application No. 10/196717	:	FOR RECONSIDERATION OF
Filing or 371(c) Date: 07/15/2002	:	PATENT TERM ADJUSTMENT
Attorney Docket Number:	:	
IMM138	:	

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT DETERMINATION, filed September 8, 2010. Applicant submits that the correct patent term adjustment to date is 1,745 days, not 1851 days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction (1) based upon an assertion that the Office erred in failing to calculate a reduction of 68 days, and (2) on the basis that the Office erred in calculating an adjustment of 38 days. The Request for Reconsideration of Patent Term Adjustment is properly treated under 37 C.F.R. § 1.705(b).

The Request for Reconsideration of Patent Term Adjustment under 37 CFR 1.705(b) is **GRANTED TO THE EXTENT INDICATED HEREIN.**

BACKGROUND

The application was filed on July 15, 2002. On June 9, 2010, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is 1851 days.

On September 8, 2010, applicant timely submitted the present request for reconsideration of patent term adjustment¹. Applicant asserts that the Office erred in failing to calculate a reduction of 68 days pursuant to 37 CFR 1.704(c)(7), in connection with the filing of a non-compliant Appeal Brief on May 23, 2007, and the subsequent filing of a compliant Appeal Brief on July 30, 2007. Further to this, Applicant provides that the patent term adjustment appears to also include an adjustment of 38 days pursuant to 37 CFR 1.702(a)(2), in connection with the mailing of an Examiner's Answer on October 31, 2007, four (4) months and 38 days after the filing of the non-compliant Appeal Brief. Applicant notes that the Examiner's Answer was timely filed within four (4) months of the filing of the compliant Appeal Brief, filed July 31, 2007.

¹ Office records show that the Issue Fee payment was received in the Office on September 8, 2010.

OPINION

Applicant's arguments have been carefully considered. A review of Office records confirms that a non-compliant Appeal Brief on May 23, 2007. The Office mailed a Notice on Non-Compliant Appeal Brief on June 29, 2007, and Applicant thereafter filed a compliant Appeal Brief on July 30, 2007, 68 days after the filing of the non-compliant Appeal Brief. Pursuant to 37 CFR 1.704(c)(7), a reduction of 68 days is properly assessed Applicant.

Further to this, Office records confirm that the Examiner's Answer, filed October 31, 2007, was timely filed within four (4) months of the filing of the compliant Appeal Brief, filed July 31, 2007. As such, the adjustment of 38 days pursuant to 37 CFR 1.702(a)(2) is in error and has been removed.

It is also noted that the Office errantly assessed a reduction of 27 days pursuant to 37 CFR 1.704(b), in connection with the Notice of Appeal filed March 23, 2007. Applicants filed an Amendment in response to the final Office action mailed November 24, 2006, on February 12, 2007. The Amendment failed to place the application in condition for allowance. Applicants were so notified in an Advisory Action mailed March 5, 2007. Applicants thereafter filed an Amendment on March 1, 2010. Pursuant to 37 CFR 1.704(c)(7), a reduction of 39 days, beginning on the day after the date the reply having an omission was filed, February 13, 2007, and ending on the date that the reply or other paper correcting the omission was filed, March 23, 2007, is appropriate.


In view thereof, the correct Patent Term Adjustment at the time of the mailing of the Notice of Allowance is one thousand seven hundred thirty-three (1733) days (1845 days Office adjustments – 112 days Applicant delay), subject to any terminal disclaimer.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and **must** include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this matter should be directed to Attorney Derek Woods at (571) 272-3232.


Anthony Knight
Director
Office of Petitions



Patent Term Adjustments



PTA/PTC Information Patent Term Adjustment Patent Term Extension

Application Number*: 10196717 Search Explanation of PTA Calculation Explanation of PTE Calculation

PTA Calculations for Application: 10196717

Application Filing Date: 07/15/2002	Overlapping Days Between (A and B) or (A and C): 0
Issue Date of Patent:	Non-Overlapping USPTO Delays: 1883
A Delays: 811	PTO Manual Adjustment: 118
B Delays: 0	Applicant Delay (APPL): 32
C Delays: 1072	Total PTA (days): 1733

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
109	12/22/2010		P028	Adjustment of PTA Calculation by PTO		118	0
97	06/09/2010		MN/=	Mail Notice of Allowance			0
96	06/07/2010		IREV	Issue Revision Completed			0
95	06/02/2010		N/=	Notice of Allowance Data Verification Completed			0
94	06/03/2010		ACRE	Allowed Case Returned to the Examiner for Clerical Processing			0
93	06/02/2010		DVER	Document Verification			0
92	06/02/2010		CNTA	Notice of Allowability			0
89	03/04/2010		IDSC	Information Disclosure Statement considered			0
88	03/04/2010		RCAP	Reference capture on IDS			0
87	03/04/2010		M844	Information Disclosure Statement (IDS) Filed			0
86	03/04/2010		WIDS	Information Disclosure Statement (IDS) Filed			0
84	02/26/2010	03/23/2007	MAPDR	Mail BPAI Decision on Appeal - Reversed	1922		56
83	02/26/2010		APDR	BPAI Decision - Examiner Reversed			0
85	11/10/2009		IDSC	Information Disclosure Statement considered			0
82	11/10/2009		M844	Information Disclosure Statement (IDS) Filed			0
80	11/10/2009		WIDS	Information Disclosure Statement (IDS) Filed			0
78	02/06/2009		AP_DK_M	Docketing Notice Mailed to Appellant			0
77	02/05/2009		APAS	Assignment of Appeal Number			0
76	11/21/2008		APWD	Appeal Awaiting BPAI Docketing			0
75	05/20/2008		ARBP	Appeal ready for BPAI review			0
74	11/15/2007		PACC	Exam. Ans. Review Complete			0
73	10/31/2007	09/23/2007	MAPEA	Mail Examiner's Answer	38		65
72	10/29/2007		APEA	Examiner's Answer to Appeal Brief			0
71	08/22/2007		APBR	Appeal Brief Review Complete			0
70	08/22/2007		FWDX	Date Forwarded to Examiner			0
69	07/30/2007		AP.B	Appeal Brief Filed			0
68	06/29/2007		APBD	Notice - Defective Appeal Brief			0
67	06/26/2007		APBR	Appeal Brief Review Complete			0
66	06/26/2007		FWDX	Date Forwarded to Examiner			0
65.1	05/23/2007		APBI	Defective / Incomplete Appeal Brief Filed			0
65	05/23/2007		AP.B	Appeal Brief Filed			0
56	03/23/2007	02/14/2007	N/AP	Notice of Appeal Filed	22		50
55	03/23/2007		XT/G	Request for Extension of Time - Granted			0
54	03/07/2007		HCTAV	Mail Advisory Action (PTOL - 303)			0
53	03/05/2007		CTAV	Advisory Action (PTOL-303)			0
52	03/01/2007		FWDX	Date Forwarded to Examiner			0
51	02/12/2007		A.NE	Amendment after Final Rejection			0
50	11/24/2006		MCTFR	Mail Final Rejection (PTOL - 326)			0
49	11/22/2006		CTFR	Final Rejection			0
48	11/06/2006		FWDX	Date Forwarded to Examiner			0
47	10/11/2006		A...	Response after Non-Final Action			0
46	07/12/2006		MCTNF	Mail Non-Final Rejection			0
45	07/07/2006		CTNF	Non-Final Rejection			0
44	06/05/2006		FWDX	Date Forwarded to Examiner			0
42	06/05/2006		FWDX	Date Forwarded to Examiner			0
40	06/05/2006		ABN9	Disposal for a RCE / CPA / R129			0
43	05/22/2006		AMSB	Amendment Submitted/Entered with Filing of CPA/RCE			0
41	05/22/2006		RCEX	Request for Continued Examination (RCE)			0
39	05/22/2006		BRCE	Workflow - Request for RCE - Begin			0
38	02/22/2006		MCTFR	Mail Final Rejection (PTOL - 326)			0
37	02/17/2006		CTFR	Final Rejection			0
34	02/06/2006		FWDX	Date Forwarded to Examiner			0
36	01/25/2006		IDSC	Information Disclosure Statement considered			0
35.7	01/25/2006	01/20/2006	M844	Information Disclosure Statement (IDS) Filed	5		33
35	01/25/2006		WIDS	Information Disclosure Statement (IDS) Filed			0
33	01/20/2006		A...	Response after Non-Final Action			0
24	10/27/2005	09/15/2003	MCTNF	Mail Non-Final Rejection	773		-1
23	10/25/2005		CTNF	Non-Final Rejection			0
21	10/06/2005		DOCK	Case Docketed to Examiner in GAU			0
20	10/26/2004		TSSCOMP	IFW TSS Processing by Tech Center Complete			0
17	06/22/2004		CAD	Correspondence Address Change			0
16	06/14/2004		DOCK	Case Docketed to Examiner in GAU			0
15	05/12/2004		DOCK	Case Docketed to Examiner in GAU			0
14	04/06/2004		DOCK	Case Docketed to Examiner in GAU			0
13	03/05/2004		TI1050	Transfer Inquiry to GAU			0
12	02/13/2004		TI1050	Transfer Inquiry to GAU			0
11	02/11/2004		TI1050	Transfer Inquiry to GAU			0
10	11/25/2003		TI1050	Transfer Inquiry to GAU			0
22	06/25/2003		IDSC	Information Disclosure Statement considered			0
19	06/25/2003		RCAP	Reference capture on IDS			0
18.7	06/25/2003		M844	Information Disclosure Statement (IDS) Filed			0
18	06/25/2003		WIDS	Information Disclosure Statement (IDS) Filed			0
9	11/01/2002		OIPE	Application Dispatched from OIPE			0
8	10/31/2002		COMP	Application Is Now Complete			0
7	10/16/2002		FLFEE	Payment of additional filing fee/Preexam			0
4	10/16/2002		OATHDECL	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applicant			0
3	08/16/2002		INCD	Notice Mailed--Application Incomplete--Filing Date Assigned			0
2	08/01/2002		SCAN	IFW Scan & PACR Auto Security Review			0
1	07/15/2002		IEXX	Initial Exam Team nn			0

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In re Patent No. 7099679 :
Issue Date: August 29, 2006 :
Application No. 10197212 :DECISION GRANTING PETITION
Filed: July 18, 2002 :UNDER 37 CFR 1.378(c)
Attorney Docket No. P-4258-US :

This is a decision on the electronic petition, filed August 15, 2011, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of August 15, 2011. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
7,099,679	2006-08-29	10/197,212	2002-07-18	P-4258-US

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

	Fee	Code
<input checked="" type="radio"/> 3 ½ year		(1551)
<input type="radio"/> 7 ½ year		(1552)
<input type="radio"/> 11 ½ year		(1553)

Small Entity

	Fee	Code
<input type="radio"/> 3 ½ year		(2551)
<input type="radio"/> 7 ½ year		(2552)
<input type="radio"/> 11 ½ year		(2553)

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/Kendal M. Sheets/	Date (YYYY-MM-DD)	2011-08-15
Name	Kendal M. Sheets	Registration Number	47077
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

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3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
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6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
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Paper No.

Landrum Intellectual Property
7000 Viridian Lane
Austin TX 78739

MAILED

DEC 28 2011

OFFICE OF PETITIONS

In re Application of :
Motamedi et al. :
Application No. 10/197,655 :
Patent No.: 6,725,073 : DECISION ON PETITION
Filed: July 17, 2002 : PURSUANT TO
Issued: April 20, 2004 : 37 C.F.R. § 1.28(c)
Title: METHODS FOR NONINVASIVE :
ANALYTE SENSING :

This is a notice regarding your request for acceptance of a fee deficiency submission pursuant to 37 C.F.R. § 1.28, received on December 2, 2011. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 C.F.R. § 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 C.F.R. § 1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore, nothing in this notice is intended to imply that an investigation was done.

Petitioner has identified the particular type of fee that was erroneously paid as a small entity, when the small entity fee was actually paid, the small entity fee that was actually paid, the deficiency owed amount, and the total deficiency payment owed.

The deficiency payment in the amount of \$1610 has been received.

Your fee deficiency submission pursuant to 37 C.F.R. § 1.28(c) is hereby accepted. The petition is **GRANTED** accordingly.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

It is noted that the address listed on the petition differs from the address of record. The application file does not indicate a change of correspondence address has been filed in this case, although the address given on the petition differs from the address of record. If Petitioner desires to receive future correspondence regarding this patent, the change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to the address which appears on the petition. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence related to this patent unless Change of Correspondence Address, Patent Form (PTO/SB/123) is submitted for the above-identified patent. For Petitioner's convenience, a blank Change of Correspondence Address, Patent Form (PTO/SB/123), may be found at <http://www.uspto.gov/web/forms/sb0123.pdf>.

If appropriate, a change of fee address (form PTO/SB/47) and a request for customer number (form PTO/SB/125) should be filed in accordance with Manual of Patent Examining Procedure, section 2540. A blank fee address form may be found at <http://www.uspto.gov/web/forms/sb0047.pdf>.

It is not apparent whether the person signing the statement which asserts that small entity status was established in good faith was in a position to have firsthand or direct knowledge of the facts and circumstances of the establishment of small entity status. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such establishment. In the event that such an inquiry has not been made, Petitioner must make such an inquiry. If such inquiry results in the discovery that the establishment of small entity status was not made in good faith, Petitioner must notify the Office.

Application No. 10/197,655
Patent No.: 6,725,073
Decision on Petition pursuant to 37 C.F.R. § 1.28(c)

Page 3

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.¹

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

cc: Kendal M. Sheets
CPA Global
2318 Mill Road
Suite 12 Floor
Alexandria, VA 22314

¹ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/198,337	07/17/2002	Andrew W. Wilson	ADAPP215	7195
25920 7590 10/18/2010 MARTINE PENILLA & GENCARELLA, LLP 710 LAKEWAY DRIVE SUITE 200 SUNNYVALE, CA 94085			EXAMINER BATURAY, ALICIA	
			ART UNIT 2441	PAPER NUMBER
			MAIL DATE 10/18/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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MARTINE PENILLA & GENCARELLA, LLP
710 LAKEWAY DRIVE
SUITE 200
SUNNYVALE CA 94085

In re Application of: Andrew W. WILSON
Application No. 10/198,337
Filed: July 19, 2002
For: INFINIBAND LAYER 4 ROUTER AND
METHODS FOR IMPLEMENTING SAME
IN AN INFINIBAND BASED EXTERNAL
STORAGE DEVICE

**DECISION SUA SPONTE
WITHDRAWING HOLDING
OF ABANDONMENT**

This is a decision, *sua sponte*, withdrawing the holding of abandonment of the above-identified application.


This application is held abandoned for failure to timely file a reply to the Board of Patent Appeals and Interferences Decision mailed July 26, 2010. The Notice of Abandonment was mailed on Oct 11, 2010.

A review of the file record indicates that the examiner was sustained in part, the Decision affirmed the rejection(s) against the obviousness rejection of claims 54-57, but reversed all rejections against claim 1-28, 45-53, and 58-61. There are no allowed claims in the application and the time for seeking court review has passed without such review being sought. Since the decision of the Board was an affirmance in part and included a reversal of a rejection that brings certain claims up for action on the merits, the examiner must take appropriate action for claims 1-28, 45-53, and 58-61 according to MPEP 1214.06. On Oct 11, 2010, a Notice of Abandonment was mailed for failure to timely response to the Decision of April 12, 2010 without further treatment for claims 1-28, 45-53, and 58-61. Thus, the Notice of Abandonment was **premature**.

Although no petition or request to withdraw the holding of abandonment in this application has been filed, the holding of **Abandonment is hereby withdrawn**. The application is being forwarded to the examiner for proper treatment of the application following the Decision of July 26, 2010.

/Kim Huynh

Kim Huynh, SPRE/QAS
Technology Center 2400
Network, Multiplexing, Cable and Security
571-272-4147

Issue Classification 	Application/Control No.		Applicant(s)/Patent under Reexamination	
	10/198,449		HOGREFE ET AL.	
	Examiner		Art Unit	
	FRANK LU		1634	

ISSUE CLASSIFICATION											
ORIGINAL					CROSS REFERENCE(S)						
CLASS		SUBCLASS			CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)					
536		23.1			24.3	24.33					
INTERNATIONAL CLASSIFICATION					435	6	91.1	91.2	91.51	91.52	
C	0	7	H	21/02							
C	0	7	H	21/04							
C	1	2	Q	1/68							
C	1	2	P	19/34							
				/							
(Assistant Examiner) (Date)					/Frank W Lu/ 7/5/2011 (Primary Examiner) (Date)					Total Claims Allowed: 61	
										O.G. Print Claim(s) 1	
(Legal Instruments Examiner) (Date)											

<input type="checkbox"/> Claims renumbered in the same order as presented by applicant						<input type="checkbox"/> CPA						<input type="checkbox"/> T.D.						<input type="checkbox"/> R.1.47					
Final	Original		Final	Original		Final	Original		Final	Original		Final	Original		Final	Original		Final	Original				
1	1		29	31		42	61			91			121			151			181				
2	2		30	32		43	62			92			122			152			182				
6	3		31	33		44	63			93			123			153			183				
7	4		32	34		45	64			94			124			154			184				
8	5		33	35		46	65			95			125			155			185				
	6		34	36		47	66			96			126			156			186				
9	7		35	37		48	67			97			127			157			187				
10	8		36	38		49	68			98			128			158			188				
11	9			39		50	69			99			129			159			189				
12	10			40		51	70			100			130			160			190				
13	11			41		52	71			101			131			161			191				
14	12			42		53	72			102			132			162			192				
15	13			43		54	73			103			133			163			193				
16	14			44		55	74			104			134			164			194				
17	15			45		56	75			105			135			165			195				
18	16			46		57	76			106			136			166			196				
19	17			47		58	77			107			137			167			197				
3	18			48		59	78			108			138			168			198				
4	19			49		60	79			109			139			169			199				
5	20			50		61	80			110			140			170			200				
20	21			51		62	81			111			141			171			201				
21	22			52		63	82			112			142			172			202				
	23			53		64	83			113			143			173			203				
22	24			54		65	84			114			144			174			204				
23	25			55		66	85			115			145			175			205				
24	26		37	56		67	86			116			146			176			206				
25	27		38	57		68	87			117			147			177			207				
26	28		39	58		69	88			118			148			178			208				
27	29		40	59		70	89			119			149			179			209				
28	30		41	60		71	90			120			150			180			210				



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RSW IP LAW
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3039 CORNWALLIS RD.
DEPT. T81 / B503, PO BOX 12195
RESEARCH TRIANGLE PARK, NC 27709

MAILED

AUG 30 2010

In re Application of	:	OFFICE OF PETITIONS
Beisiegel et al.	:	
Application No. 10/198,556	:	ON PETITION
Filed: July 18, 2002	:	
Attorney Docket No. CA920010057US1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 12, 2006 and supplemented on September 19, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to file a reply within the meaning of 37 CFR 1.113 to the final Office action of February 9, 2006. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that prima facie places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is May 10, 2006. A Notice of Abandonment was mailed September 8, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE), including the fee of \$790 and the submission required by 37 CFR 1.114 (previously submitted), (2) the petition fee of \$1,500 and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

An extension of time under 37.CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See *In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988)*. Since the \$450 extension of time fee submitted with the petition on September 19, 2006, was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account as authorized.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059.

This application is being referred to Technology Center 2192 for further examination on the merits


Alicia Kelley
Petitions Examiner
Office of Petitions

cc: HUNTER WEBB
HOFFMAN WARNICK LLC
75 STATE STREET
14TH FLOOR
ALBANY, NY 12207



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**THOMAS A O'ROURKE
BODNER & O' ROURKE
425 BROADHOLLOW ROAD
MELVILLE NY 11747**

MAILED

NOV 24 2010

OFFICE OF PETITIONS

In re Patent No. RE41243
Application No. 10/198,663
Filed: July 15, 2002
Issued: April 20, 2010
Title: Multi-Functional Side Rear View
Mirror For A Vehicle

ON PETITION

This is a decision on the petition, filed May 3, 2010, which is being treated as a request under 37 CFR 3.81(b)¹ to correct the assignee on the above-identified issued patent by way of a Certificate of Correction.

The request is **DISMISSED**.

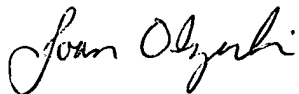
Petitioner has submitted a Certificate of Correction and \$100.00 fee. However, a petition under 37 CFR 3.81(b) and required \$130.00 fee must accompany the Certificate of Correction request.

Therefore, the request under 37 CFR 3.81(b) requires payment of a \$130.00 surcharge fee. The rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require payment of a fee on filing each petition. The petition in the above-identified application was not accompanied by payment of the required fee. No consideration on the merits can be given to the petition until the required fee is received. As petitioner has failed to comply with the provisions of 37 CFR 3.81 (b), the request cannot be granted at this time.

Further, the petition has not been signed by the petitioner.

Additionally, the address given on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Inquiries concerning this decision should be directed to the undersigned at (571) 272- 7751.



Joan Olszewski
Petitions Examiner
Office of Petitions

cc: John F. Kurth
1 Stormy Circle Drive
Greenwich, CT 06830

¹See Official Gazette of June 22, 2004



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JOHN F KURTH
ONE STORMY CIRCLE
GREENWICH CT 06830

MAILED
FEB 10 2011
OFFICE OF PETITIONS

In re Patent No. RE41243 :
Application No. 10/198,663 :
Filed: July 15, 2002 : ON PETITION
Issued: April 20, 2010 :
Title: Multi-Functional Side Rear View Mirror :
For A Vehicle :

This is a decision on the renewed petition, filed December 15, 2010, which is being treated as a request under 37 CFR 3.81(b)¹ to correct the assignee on the above-identified issued patent by way of a Certificate of Correction.

The request is **DISMISSED**.

Petitioner has submitted a Certificate of Correction and \$100.00 fee on May 3, 2010. However, petitioner has failed to submit the \$130.00 processing fee as required under 37 CFR 3.81(b).

Therefore, the request under 37 CFR 3.81(b) requires payment of a \$130.00 processing fee. The request in the above-identified application was not accompanied by payment of the required fee. No consideration on the merits can be given to the request until the required fee is received. As petitioner has failed to comply with the provisions of 37 CFR 3.81 (b), the request cannot be granted at this time.

Further, petitioner has requested a "copy of the correct required form". The USPTO does not provide forms for petitions requested under 37 CFR 3.81(b). Petitioner has currently sent in a properly signed renewed request under 37 CFR 3.81b on December 15, 2010. However, since the \$130.00 requisite processing fee, as explained, above has not been submitted the request cannot be granted at this time.

Additionally, the Change of Correspondence Address is hereby accepted and made of record.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

Joan Olszewski
Petitions Examiner
Office of Petitions



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MAILED

NOV 01 2010

OFFICE OF PETITIONS

JENNIFER H. HAMMOND
THE ECLIPSE GROUP
10453 RAINTREE LANE
NORTHRIDGE, CA 91326

In re Patent No. 7,154,436 :
Issued: December 26, 2006 :
Application No. 10/199,649 : **NOTICE**
Filed: July 19, 2002 :
Attorney Docket No. : ST01020USU :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent no longer qualifies for small entity status. Accordingly, any future fees paid in this patent must be paid at the large entity rate.

The present communication is not signed by a registered patent practitioner of record. However, in accordance with 37 CFR 1.34(a), the signature of Kendal M. Sheets appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts. While a courtesy copy of this communication is being mailed, the appropriate power of attorney or authorization of agent must be submitted if Mr. Sheets desires to receive future correspondence regarding this patent.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: MR.KENDAL M. SHEETS
CPA GLOBAL
225 REINKERS LANE,SUITE 400
ALEXANDRIA,VA 22314



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**GE CORPORATE, GLOBAL PATENT OPERATION
SUITE 648
2 CORPORATE DRIVE
SHELTON CT 06484**

MAILED

FEB 23 2011

In re Application of

Roddy et al.

Application No. 10/199,717

Filed: July 18, 2002

Attorney Docket No. 121889 (552-0018)

OFFICE OF PETITIONS

: DECISION ON PETITION

: UNDER 37 CFR 1.78(a)(3)

: UNDER 37 CFR 1.78(a)(6)

:

This is a decision on the petition under 37 CFR § 1.78, filed October 28, 2010, which is being treated as a petition under 37 CFR 1.78(a)(3) and 1.78(a)(6) to accept an unintentionally delayed claim under 35 U.S.C. §§120 and 119(e) for the benefit of the prior-filed applications set forth in the amendment filed concurrently with the instant petition.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

- (1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed applications, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional where there is a question whether the delay was unintentional.

The instant petition does not comply with item (1) above.

Upon review of the original specification, along with the amendment to the specification submitted with the instant petition, it appears the continuity chain claimed is improper.

Both specifications state, "This application is a continuation-in-part of co-pending and commonly assigned United States patent application serial number 09/736,495 filed December 13, 2000, which in turn claims the benefit of United States Provisional Patent Application Number 60/201,243 filed May 1, 2000, and further is a continuation-in-part of United States Patent Application Number 09/644,420 filed August 23, 2002."

However, there is no direct link between in application nos. 09/736,495 and 60/201,243. According to USPTO records of Application No. 09/736,495, the continuity should be as follows: Application No. 09/736,495, filed December 13, 2000, is a continuation-in-part of Application No. 09/644,420, filed August 23, 2000, which claims the benefit of provisional Application No. 60/201,243, filed May 1, 2000.

Accordingly, before the petition under 37 CFR 1.78(a)(3) and 1.78(a)(6) can be granted, a substitute amendment correcting the above matters, along with a renewed petition under 37 CFR 1.78(a)(3) and 1.78(a)(6), is required. No further petition fee is necessary.

Additionally, the address given on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Further correspondence with respect to this matter should be addressed as follows:

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By hand: Customer Window located at:
U.S. Patent and Trademark Office
Customer Service Window Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to Joan Olszewski at (571) 272-7751.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

cc: Christopher R. Carroll
The Small Patent Law Group LLP
225 South Meramec, Suite 725
Saint Louis, Missouri 63105



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**GE CORPORATE, GLOBAL PATENT OPERATION
SUITE 648
2 CORPORATE DRIVE
SHELTON CT 06484**

MAILED
APR 11 2011
OFFICE OF PETITIONS

In re Application of	:
Roddy et al.	: DECISION ON PETITION
Application No. 10/199,717	: UNDER 37 CFR 1.78(a)(3)
Filed: July 18, 2002	: UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 121889 (552-0018)	:

This is a decision on the renewed petition under 37 CFR § 1.78, filed March 3, 2011, which is being treated as a petition under 37 CFR 1.78(a)(3) and 1.78(a)(6) to accept an unintentionally delayed claim under 35 U.S.C. §§120 and 119(e) for the benefit of the prior-filed applications set forth in the amendment filed October 28, 2010.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

- (1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed applications, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional where there is a question whether the delay was unintentional.

The instant petition does not comply with item (1) above.

Petitioner asserts, "The allegedly improper continuity chain was the only basis provided for dismissing the Petition." Further, petitioner asserts that "the dismissal was improper"

and that “the ‘495 [09/736,495] Application does claim direct priority to the ‘243 [60/201,243] Application and the originally filed Petition did not include an erroneous continuity chain.” Further, petitioner contends that a review of the ‘495 application provides evidence that the ‘495 application directly claims benefit of provisional application ‘243.

However, this is not the case. On March 30, 2006, the Application ‘495 received a decision granting the claim for priority based on the Specification submitted with the renewed petition on March 21, 2006. The Specification clearly identified the claimed priority chain as follows: “patent application serial number 09/644,420 filed August 23, 2000 also claims benefit of United States provisional patent application serial number 60/201,243 filed May 1, 2000.” Therefore, Applicant requested and received acceptance of the delayed priority claim in the ‘495 application. Regardless of the original documents submitted upon filing, Applicant requested during prosecution that the claim to priority submitted March 21, 2006 identify the relationship as ‘420 claiming benefit of ‘243.

Therefore, an error on the part of the USPTO incorrectly recorded this chain on July 18, 2002 in the above-identified application.

As stated previously, upon review of the original specification, along with the amendment to the specification submitted with the instant petition, it appears the continuity chain claimed is improper.

Both specifications state, “This application is a continuation-in-part of co-pending and commonly assigned United States patent application serial number 09/736,495 filed December 13, 2000, which in turn claims the benefit of United States Provisional Patent Application Number 60/201,243 filed May 1, 2000, and further is a continuation-in-part of United States Patent Application Number 09/644,420 filed August 23, 2002.”

However, as stated above, there is no direct link between application nos. 09/736,495 and 60/201,243. According to USPTO records of Application No. 09/736,495, the continuity should be as follows: Application No. 09/736,495, filed December 13, 2000, is a continuation-in-part of Application No. 09/644,420, filed August 23, 2000, which claims the benefit of provisional Application No. 60/201,243, filed May 1, 2000.

Accordingly, before the petition under 37 CFR 1.78(a)(3) and 1.78(a)(6) can be granted, a substitute amendment correcting the above matters, along with a renewed petition under 37 CFR 1.78(a)(3) and 1.78(a)(6), is required. No further petition fee is necessary.

Additionally, the address given on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Further correspondence with respect to this matter should be addressed as follows:

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By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to Joan Olszewski at (571) 272-7751.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

cc: Christopher R. Carroll
The Small Patent Law Group LLP
225 South Meramec, Suite 725
Saint Louis, Missouri 63105



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SUITE 648
2 CORPORATE DRIVE
SHELTON CT 06484**

MAILED

MAY 23 2011

OFFICE OF PETITIONS

In re Application of	:
Roddy et al.	: DECISION ON PETITION
Application No. 10/199,717	: UNDER 37 CFR 1.78(a)(3)
Filed: July 18, 2002	: AND 37 CFR 1.78(a)(6)
Attorney Docket No. 121889 (552-0018)	:

This is a decision on the renewed petition under 37 CFR 1.78(a)(3) and 1.78(a)(6), filed May 5, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 120 and 119(e) for the benefit of the prior-filed applications as set forth in the concurrently filed Amendment.

The petitions are **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

- (1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed applications, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional where there is a question whether the delay was unintentional.

The instant nonprovisional application was filed on July 18, 2002 and was pending at the time of filing of the instant petition. A reference to the prior-filed applications has been included in an amendment to the first sentence of the specification following the title, as required by 37 CFR §§ 1.78(a)(2)(iii) and 1.78(a)(5)(iii).

The instant nonprovisional application was filed after November 29, 2000, and the claim for priority herein is submitted after expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). See 35 U.S.C. § 120 and § 119(e). Accordingly, having found that the instant petition satisfies the conditions of 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) for acceptance of an unintentionally delayed claim for priority under 35 U.S.C. § 120 and § 119(e), the petition to accept an unintentionally delayed claim of benefit to the prior-filed applications is granted.

Further, 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) require a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. Since the statement appearing in the petition varies from the language required by 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that the instant application is entitled to the benefit of the filing date of the prior-filed applications. In order for the instant application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §120 and 1.78(a)(1) and (a)(2) and under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

Additionally, it is noted that Application No. 09/644,420 was filed on August 23, 2000, not 2002 as stated in petitioner's Specification.

A corrected Filing Receipt, which includes the priority claim to the prior-filed applications, accompanies this decision on petition.

Additionally, the address given on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Any questions concerning this matter may be directed to Joan Olszewski at (571) 272-3206.

This matter is being referred to Technology Center Art Unit 3689 for appropriate action on the Amendment submitted May 5, 2011, including consideration by the examiner of the claim under 35 U.S.C. § 120 and 37 CFR 1.78(a)(2) for the benefit of the prior-filed nonprovisional applications, and for consideration of the claim under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(5) for the benefit of the prior-filed provisional application.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

cc: Christopher R. Carroll
The Small Patent Law Group LLC
225 South Meramec, Suite 725
Saint Louis, Missouri 63105



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
10/199,717	07/18/2002	3689	2334	121889 (552-0018)	18	5

CONFIRMATION NO. 3635

CORRECTED FILING RECEIPT



OC000000047777470

GE Corporate, Global Patent Operation
Suite 648
2 Corporate Drive
Shelton, CT 06484

Date Mailed: 05/19/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Nicholas E. Roddy, Clifton Park, NY;
David Richard Gibson, North East, PA;
Glenn Robert Shaffer, Erie, PA;
Louis Andrew Schick, Delmar, NY;
Michael James Pierro, Residence Not Provided;
William Roy Schneider, Erie, PA;

Power of Attorney: The patent practitioners associated with Customer Number 91959

Domestic Priority data as claimed by applicant

This application is a CIP of 09/736,495 12/13/2000 PAT 7,783,507
which is a CIP of 09/644,420 08/23/2000 ABN *
which claims benefit of 60/201,243 05/01/2000
and is a CIP of 09/378,939 08/23/1999 PAT 6,301,531
(*Data provided by applicant is not consistent with PTO records.

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

If Required, Foreign Filing License Granted: 08/27/2002

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/199,717**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

System and method for managing a fleet of remote assets

Preliminary Class

705

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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SEP 13 2011

OFFICE OF PETITIONS

**FISH & RICHARDSON P.C. (TC)
PO BOX 1022
MINNEAPOLIS MN 55440-1022**

In re Application of :
Girish J. KOTWAL et. al : **ON PETITION**
Application No. 10/199,979 :
Filed: July 19, 2002 :
Atty. Docket No.: 17541-026001 :

This is a decision on the petition, filed August 30, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

The application was held abandoned for failure to respond in an appropriate manner to the Notice of Allowance and Fee(s) Due mailed May 9, 2011, which set a statutory period for reply of three (3) months. The application was held abandoned August 10, 2011. A Notice of Abandonment was mailed August 24, 2011.

A grantable petition under 37 CFR 1.181 requires: (1) evidence that an Office action was not received, or (2) evidence that an appropriate reply was timely mailed or failed. In the present petition, petitioner asserts that an unintended error occurred in the payment of \$750 as opposed to the required \$755, issue fee. Regardless of where or when the unintended error occurred, the issue fee required in the Notice mailed May 9, 2011 was not paid. As such, the instant petition is not grantable.

Further, the signature on the instant petition is not acceptable as it has not been signed by all of the inventors or the assignee of the entire interest, and Power of Attorney has not been given to Mr. G. Kotwal. *See*, 3.7 CFR 1.32(b).

Application No. 10/199,979

ALTERNATIVE VENUE

Petitioner is strongly encouraged to consider filing a petition under 37 CFR 1.137(b) to revive an unintentionally abandoned application instead of filing a renewed petition under 37 CFR 1.181.

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed. In nonprovisional utility application abandoned for failure to respond to a non-final Office action, the required reply may be met by filing either (A) an argument or amendment under 37 CFR 1.111 or (B) a continuing application under 37 CFR 1.53(b).
- (2) The petition fee as set forth in 37 CFR 1.17(m), **\$810.00 for a small entity**;
- (3) A statement that the entire delay in filing the required reply from the due date for the final Office action reply until the filing of a grantable petition was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

A form for filing a petition to revive an unintentionally abandoned application accompanies this decision for petitioner's convenience. If petitioner desires to file a petition under 37 CFR 1.137(b) instead of filing a request for reconsideration, petitioner must complete the enclosed petition form (PTO/SB/64) and pay the \$810.00 petition fee.

Petitioner may wish to consider hiring a registered patent attorney or agent to assist in the prosecution of this application. Additionally, petitioner is encouraged to contact the Inventors Assistance Center (IAC) by telephone at 800-786-9199 or 571-272-1000, Monday through Friday from 8:30 AM to 5:30 PM (EST). The IAC provides patent information and services to the public and is staffed by former Supervisory Patent Examiners and experienced Primary Examiners who answer general questions concerning patent examining policy and procedure.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Application No. 10/199,979

The centralized facsimile number is **(571) 273-8300**.

General inquiries relating to this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).


for Anthony Knight
Director
Office of Petitions

Enclosures: Form PTO/SB/64, Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b)

cc: Girish J. Kotwal
4664 Shenandoah Drive
Louisville, KY 40241



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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**FISH & RICHARDSON P.C. (TC)
PO BOX 1022
MINNEAPOLIS MN 55440-1022**

**MAILED
NOV 14 2011
OFFICE OF PETITIONS**

In re Application of :
Girish J. KOTWAL et. al : **ON PETITION**
Application No. 10/199,979 :
Filed: July 19, 2002 :
Atty. Docket No.: 17541-026001 :

This is a decision on the petition under 37 CFR 1.137(b), filed November 3, 2011, to revive the above-identified application.

The petition is **GRANTED**.

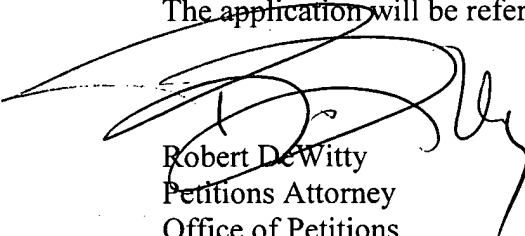
The application was held abandoned for failure to respond in an appropriate manner to the Notice of Allowance and Fee(s) Due mailed May 9, 2011, which set a statutory period for reply of three (3) months. The application was held abandoned August 10, 2011. A Notice of Abandonment was mailed August 24, 2011.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of payment of the issue and publication fees in accordance with the Notice mailed May 9, 2011, (2) a petition fee of \$930, and (3) a statement of unintentional delay. The reply to the Office action is accepted as having been unintentionally delayed.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. If the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

Telephone inquiries relating to this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

The application will be referred to Office of Data Management for further processing.



Robert DeWitty
Petitions Attorney
Office of Petitions



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.
P.O. BOX 398
AUSTIN TX 78767-0398

MAILED

FEB 10 2012

OFFICE OF PETITIONS

In re Application of :
Sundee Chandhoke, et al. :
Application No. 10/200,091 : DECISION ON PETITION
Filed: July 19, 2002 :
Attorney Docket No. 5150-58500 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 17, 2012, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned on July 20, 2007 for a failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed April 19, 2007. A Notice of Abandonment was mailed on January 8, 2008. On January 17, 2012, the present petition was filed. The filing also included a Request for Continued Examination under 37 CFR 1.114 and a Change of Correspondence Address.

The correspondence address has been changed.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date

for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The petition lacks item (3).

There are three periods to be considered during the evaluation of a petition under 37 CFR 1.137(b):

- (1) the delay in reply that originally resulted in the abandonment;
- (2) the delay in filing an initial petition pursuant to 37 CFR 1.137(b) to revive the application; and
- (3) the delay in filing a grantable petition pursuant to 37 CFR 1.137(b) to revive the application.

Currently, the delay has not been shown to the satisfaction of the Director to be unintentional for period (2).

In this regard, petitioner was invited to file a petition under the provisions of 37 CFR 1.137(b) in a decision mailed May 21, 2008; however, the present petition was not filed until January 17, 2012.

Where the applicant deliberately chooses not to seek or persist in seeking the revival of an abandoned application, or where the applicant deliberately chooses to delay seeking the revival of an abandoned application, the resulting delay in seeking revival of the abandoned application cannot be considered as "unintentional" within the meaning of 37 CFR 1.137(b). See MPEP 711.03(c).

The language of both 35 U.S.C. § 41(a)(7) and 37 CFR 1.137(b) are clear and unambiguous, and, furthermore, without qualification. That is, the delay in filing the reply during prosecution, as well as in filing the petition seeking revival, must have been, without qualification, "unintentional" for the reply to now be accepted on petition. The Office requires that the entire delay be at least unintentional as a prerequisite to revival of an abandoned application to prevent abuse and injury to the public. See H.R. Rep. No. 542, 97th Cong., 2d Sess. 7 (1982), reprinted

in 1982 U.S.C.C.A.N. 771 ("[i]n order to prevent abuse and injury to the public the Commissioner . . . could require applicants to act promptly after becoming aware of the abandonment"). The December 1997 change to 37 CFR 1.137 did not create any new right to overcome an intentional delay in seeking revival, or in renewing an attempt at seeking revival, of an abandoned application. See Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53160 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 87 (October 21, 1997), which clearly stated that any protracted delay (here, over two years) could trigger, as here, a request for additional information. As the courts have since made clear, a protracted delay in seeking revival, as here, requires a petitioner's detailed explanation seeking to excuse the delay as opposed to USPTO acceptance of a general allegation of unintentional delay. See Lawman Armor v. Simon, 2005 U.S. Dist. LEXIS 10843, 74 USPQ2d 1633, at 1637-8 (DC EMich 2005); Field Hybrids, LLC v. Toyota Motor Corp., 2005 U.S. Dist. LEXIS 1159 (D. Minn Jan. 27, 2005) at *21-*23. Statements are required from any and all responsible person(s) having firsthand knowledge of the circumstances surrounding the protracted delay, after the abandonment date, in seeking revival.

Applicant's failure to carry the burden of proof to establish that the "entire" delay was "unavoidable" or "unintentional" may lead to the denial of a petition under 37 CFR 1.137(b), regardless of the circumstances that originally resulted in the abandonment of the application. See also New York University v. Autodesk, 2007 U.S. DIST LEXIS, U.S. District LEXIS 50832, *10 - *12 (S.D.N.Y. 2007) (protracted delay in seeking revival undercuts assertion of unintentional delay).

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: Customer Service Window
 Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

By Internet: EFS-Web¹

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

¹ www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110503

DATE :

TO SPE OF : ART UNIT 2625

SUBJECT : Request for Certificate of Correction on Patent No.: 7133165

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - ST (South Tower) 9A22

Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments:

No new matter has been introduced, nor the scope or meaning of the claims changed.

/Mark K Zimmerman/
Supervisory Patent Examiner, Art Unit 2625



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HAYES SOLOWAY P.C.
3450 E. SUNRISE DRIVE, SUITE 140
TUCSON AZ 85718

MAILED

OCT 07 2010

OFFICE OF PETITIONS

In re Application of	:	
Ramesh Subramanian, et al.	:	
Application No. 10/200,373	:	DECISION ON PETITION
Filed: July 22, 2002	:	TO WITHDRAW
Attorney Docket No. GSH 08-892800	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 15, 2010.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because none of the certifications were made on the PTO/SB/83 form.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272- 2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Corel Corporation**
1600 Carling Avenue
Ottawa, Ontario K1Z 8R7
Canada



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AUG 08 2011

OFFICE OF PETITIONS

**ROBERT M. HUNTER PLLC
P.O. BOX 2709
KAMUELA HI 96743**

In re Patent No. 7,204,060
Issue Date: April 17, 2007
Application No. 10/201,035
Filed: July 23, 2002
Attorney Docket No.: 366WBN

:
:
:
:
:

ON PETITION

This is a decision on the petition under 37 CFR 1.378(c), filed June 20, 2011, to accept the unintentionally delayed payment of a maintenance fee for the above-identified patent.

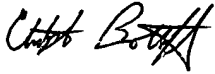
The petition is **GRANTED**.

This patent expired on April 17, 2011 for failure to pay the three and one-half year maintenance fee. Since this petition was submitted within twenty-four months after the six-month grace period provided in 37 CFR 1.362(e), the petition was timely filed under the provisions of 37 CFR 1.378(c).

The maintenance fee is hereby accepted and the above-identified patent is reinstated as of the mail date of this decision.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this matter may be directed to Jose G Dees at (571) 272-1569.

A handwritten signature in black ink, appearing to read "Chris Bottorff", with a stylized, looped flourish at the end.

Christopher Bottorff
Petitions Examiner
Office of Petitions

cc: Mr. Christopher M. Hunt
5456 Peachtree Blvd, Ste 410
Atlanta, GA 30341

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6634853	2003-10-21	10201266	2002-07-24	12082-175797

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|-----------------------|-----------|--------|
| <input type="radio"/> | 3 ½ year | (1551) |
| <input type="radio"/> | 7 ½ year | (1552) |
| <input type="radio"/> | 11 ½ year | (1553) |

Small Entity

- | | Fee | Code |
|----------------------------------|-----------|--------|
| <input type="radio"/> | 3 ½ year | (2551) |
| <input checked="" type="radio"/> | 7 ½ year | (2552) |
| <input type="radio"/> | 11 ½ year | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☐ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☒ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

A Joint Patentee and I certify that I am authorized to sign this submission on behalf of all the other patentees			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature.			
Signature	/James H. Anderson Jr./	Date (YYYY-MM-DD)	2011-11-28
Name	James H. Anderson Jr.		
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Patent No. 6634853 :
Issue Date: October 21,2003 :
Application No. 10201266 :DECISION GRANTING PETITION
Filed: July 24,2002 :UNDER 37 CFR 1.378(c)
Attorney Docket No. 12082-175797 :

This is a decision on the electronic petition, filed November 28,2011 ,under 37 CFR 1.378(c)
to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of November 28,2011 .
This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and
this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print
and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JORDAN AND HAMBURG LLP
122 EAST 42ND STREET
SUITE 4000
NEW YORK NY 10168

MAILED
MAR 29 2011
OFFICE OF PETITIONS

In re Patent No. 7,740,532 :
Issue Date: June 22, 2010 :
Application No. 10/201,426 : **DECISION ON PETITION**
Filed: July 23, 2002 :
Attorney Docket No. F-7492 :

This is a decision on the Request For Certificate Of Correction Under 37 C.F.R. §§ 3.81(b) And 1.323 Changing The Assignee Information Of U.S. Patent No. 7,740,532, filed September 1, 2010, requesting correction on the Title Page of the subject patent to identify the correct assignee's information. The Request is being treated as a Petition Under 37 CFR §3.81(b). A completed Certificate of Correction Form (PTO/SB/44) was submitted with Petition.

The petition under 37 CFR §3.81(b) is **GRANTED**.

Petitioner requests that the present Petition was submitted to correct assignee's information on the previously submitted PTOL 85B and such error was inadvertent. Accordingly, petitioner requests, in effect, that the Title Page of the above-identified patent be corrected, via issuance of Certificate of Correction, to correct assignee's information identified thereon from:

"Konami Computer Entertainment Osaka, Inc., Ltd., Tokyo (JP)"
to:
--Konami Digital Entertainment Co., Ltd., Tokyo (JP)--

37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

U.S. Patent No. 7,740,532
Application No. 10/201,426
Decision on Petition under 37 CFR §3.81(b)

Page 2

The requisite \$100.00 fee (Fee Code 1811), as set forth under 37 CFR 1.20(a), and the requisite \$130.00 processing fee (Fee Code 1464), as set forth under 37 CFR 1.17(h), have been submitted. Further, Office assignment records are consistent with the requested correction. Accordingly, since the Petition complies with the provisions of 37 CFR 3.81(b), it is appropriate for the Office to issue a Certificate of Correction in accordance with the content of the form PTO/SB/44 submitted with Petition.

Inquiries related this communication should be directed to the undersigned at (571)272-3213.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. 7,740,532.



Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JORDAN AND HAMBURG LLP
122 EAST 42ND STREET
SUITE 4000
NEW YORK NY 10168

MAILED

APR 20 2011

OFFICE OF PETITIONS

In re Patent No. 7,740,532	:	
Issue Date: June 22, 2010	:	CORRECTED
Application No. 10/201,426	:	DECISION ON PETITION
Filed: July 23, 2002	:	
Attorney Docket No. F-7492	:	

This is a decision on the Request For Certificate Of Correction Under 37 C.F.R. §§ 3.81(b) And 1.323 Changing The Assignee Information Of U.S. Patent No. 7,740,532, filed September 1, 2010, requesting correction on the Title Page of the subject patent to identify the correct assignee's information. The Request is being treated as a Petition Under 37 CFR §3.81(b). A completed Certificate of Correction Form (PTO/SB/44) was submitted with Petition.

The petition under 37 CFR §3.81(b) is **GRANTED**.

Petitioner requests that the present Petition was submitted to correct assignee's information on the previously submitted PTOL 85B and such error was inadvertent. Accordingly, petitioner requests, in effect, that the Title Page of the above-identified patent be corrected, via issuance of Certificate of Correction, to correct assignee's information identified thereon from:

"Konami Computer Entertainment Osaka, Inc., Osaka (JP)"
to:
--Konami Digital Entertainment Co., Ltd., Tokyo (JP)--

37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

U.S. Patent No. 7,740,532
Application No. 10/201,426
Decision on Petition under 37 CFR §3.81(b)

Page 2

The requisite \$100.00 fee (Fee Code 1811), as set forth under 37 CFR 1.20(a), and the requisite \$130.00 processing fee (Fee Code 1464), as set forth under 37 CFR 1.17(h), have been submitted. Further, Office assignment records are consistent with the requested correction. Accordingly, since the Petition complies with the provisions of 37 CFR 3.81(b), it is appropriate for the Office to issue a Certificate of Correction in accordance with the content of the form PTO/SB/44 submitted with Petition.

Inquiries related this communication should be directed to the undersigned at (571)272-3213.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. 7,740,532.

A handwritten signature in cursive script, reading "Cheryl Gibson-Baylor".

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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In re Patent No. 7041253
Issue Date: May 9, 2006
Application No. 10201460
Filed: July 23, 2002
Attorney Docket No. 5268-17

:

:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)

:

This is a decision on the electronic petition, filed September 20, 2010, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of September 20, 2010. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
7,041,253	2006-05-09	10/201,460	2002-07-23	SSJR 06072-005P

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|---------------------------------|-----|--------|
| <input type="radio"/> 3 ½ year | | (1551) |
| <input type="radio"/> 7 ½ year | | (1552) |
| <input type="radio"/> 11 ½ year | | (1553) |

Small Entity

- | | Fee | Code |
|---|-----|--------|
| <input checked="" type="radio"/> 3 ½ year | | (2551) |
| <input type="radio"/> 7 ½ year | | (2552) |
| <input type="radio"/> 11 ½ year | | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☐ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☒ The assignee of record of the entire interest

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

The Assignee of record of the entire interest			
Under 37 CFR 3.71 an assignee becomes of record by filing a statement in compliance with 37 CFR 3.73(b). Signature requirements are set forth in 37 CFR 1.4(d), and the undersigned certifies that he / she is empowered to act on behalf of the assignee of the entire interest			
Signature	/Alfonso Grillo/		Date (YYYY-MM-DD) 2010-09-20
Name	Alfonso Grillo, Sun Biomedical, Ltd.		
Enter Reel and Frame Number			<input type="button" value="Remove"/>
Reel Number	022619	Frame Number	0519
Click ADD for additional Reel Number and Frame Number			<input type="button" value="Add"/>
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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AT&T Legal Department - JW
Attn: Patent Docketing
Room 2A-207
One AT&T Way
Bedminster NJ 07921

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SEP 24 2010

OFFICE OF PETITIONS

In re Application of

Ansari, et al.

Application No. 10/201,537

Filed: July 22, 2002

Attorney Docket No. **T00436 (00595)**

:
: **DECISION ON PETITION**
:

This is a decision on the petition under 37 CFR 1.137(b), filed September 3, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, August 21, 2009, which set a shortened statutory period for reply of three (3) months from its mailing date. No extension of time pursuant to 37 CFR 1.136(a) was obtained within the allowable period. Accordingly, the application became abandoned on November 22, 2009. A Notice of Abandonment was mailed May 10, 2010.

The amendment filed September 3, 2010, is noted.

While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address of currently of record until such time as appropriate instructions are received to the contrary.

The application is being forwarded to Technology Center 2400, GAU 2425 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Cc:
Joseph Lally
100 congress Avenue, Suite 1100
Austin, TX 78701



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BAKER & HOSTETLER LLP
WASHINGTON SQUARE, SUITE 1100
1050 CONNECTICUT AVE. N.W.
WASHINGTON, DC 20036-5304

MAILED
OCT 04 2010
OFFICE OF PETITIONS

Patent No. 7,069,125
Application No. 10/201,538
Filed: July 23, 2002
Issued: June 27, 2006
Attorney Docket No. 87355.3360

ON PETITION

This is a decision on the petition under 37 CFR 1.378(c), filed August 25, 2010, to accept the unintentionally delayed payment of a maintenance fee for the above-identified patent.

The petition is **GRANTED**.

This patent expired on June 28, 2010 for failure to pay the 3 ½ maintenance fee. Since this petition was submitted within twenty-four months after the six-month grace period provided in 37 CFR 1.362(e), the petition was timely filed under the provisions of 37 CFR 1.378(c).

The maintenance fee is hereby accepted and the above-identified patent is reinstated as of the mail date of this decision.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059.

Alicia Kelley
Petitions Examiner
Office of Petitions

Doc Code: PET.PTA.RCAL

Document Description: Request for Recalculation in view of Wyeth

PTO/SB/131 (01-10)

Approved for use through 02/28/2011. OMB 0651-0020

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT IN VIEW OF WYETH*

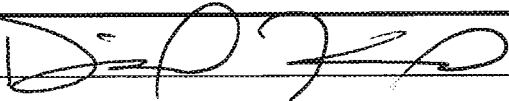
Attorney Docket Number: 47724/C950	Patent Number: 7,668,863
Filing Date (or 371(b) or (f) Date): July 22, 2002	Issue Date: February 23, 2010
First Named Inventor: David J. Kalmick	
Title: Method and Apparatus for Management of Court Schedules	

PATENTEE HEREBY REQUESTS RECALCULATION OF THE PATENT TERM ADJUSTMENT (PTA) UNDER 35 USC 154(b) INDICATED ON THE ABOVE-IDENTIFIED PATENT. THE PATENTEE'S SOLE BASIS FOR REQUESTING THE RECALCULATION IS THE USPTO'S PRE-WYETH INTERPRETATION OF 35 U.S.C. 154(b)(2)(A).

Note: This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A). See Instruction Sheet on page 2 for more information.

Patentees are reminded that to preserve the right to review in the United States District Court for the District of Columbia of the USPTO's patent term adjustment determination, a patentee must ensure that he or she also takes the steps required under 35 U.S.C. 154(b)(3) and (b)(4) and 37 CFR 1.705 in a timely manner.

*Wyeth v. Kappos, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Signature 	Date: August 6, 2010
Name (Print/Typed): David W. Klinger	Registration Number: 60,705
Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.	
<input type="checkbox"/> *Total of _____ forms are submitted.	

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA, CA 91109-7068

Mail Date: 08/13/2010

Applicant	: David J. Kalmick	: DECISION ON REQUEST FOR
Patent Number	: 7668863	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 10/201,598	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/22/2002	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **218** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MARTINE PENILLA & GENCARELLA, LLP
710 LAKEWAY DRIVE
SUITE 200
SUNNYVALE CA 94085

MAILED

FEB 25 2011

In re Application of	:	OFFICE OF PETITIONS
Boyd et al.	:	
Application No. 10/202,053	:	DECISION ON PETITION
Filed: July 23, 2002	:	
Attorney Docket No. LAM2P201A	:	

This is a decision on the petition, filed August 10, 2007, which is being treated as a petition under 37 CFR 1.181 (no fee), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Notice to File Corrected Application Papers (Notice of Allowance mailed) of November 26, 2002, which set a 30 day period for reply. A reply was due on or before December 26, 2002.

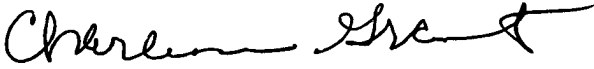
Petitioner states that a reply was in fact timely filed. To support this assertion, petitioner has submitted a copy of a return postcard which acknowledges receipt by the U.S. Patent and Trademark Office (USPTO) on December 27, 2002 of, *inter alia*, response to the Notice to File Corrected Application Papers. A copy of the previously submitted reply accompanies the petition. The reply also included a certificate of mailing dated December 20, 2002.

The response acknowledged as having been received in the USPTO on December 27, 2002 is not of record in the application file and has not to date been located. However, MPEP 503 states that "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO." Accordingly, it is concluded that the response was timely received in the USPTO but lost after receipt thereof.

In view of the above, the holding of abandonment is hereby withdrawn and the application restored to pending status.

The copy of the reply supplied with the petition will be accepted in place of the reply shown to have been received by the USPTO on December 27, 2002.

This application is being referred to the Office of Data Management for further processing of the application.

A handwritten signature in black ink, appearing to read "Charlema Grant", with a long horizontal flourish extending to the right.

Charlema Grant
Attorney
Office of Petitions

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
7220232	2007-05-22	10202407	2002-07-24	9345.17121-CIP 2B

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|---------------------------------|-----|--------|
| <input type="radio"/> 3 ½ year | | (1551) |
| <input type="radio"/> 7 ½ year | | (1552) |
| <input type="radio"/> 11 ½ year | | (1553) |

Small Entity

- | | Fee | Code |
|---|-----|--------|
| <input checked="" type="radio"/> 3 ½ year | | (2551) |
| <input type="radio"/> 7 ½ year | | (2552) |
| <input type="radio"/> 11 ½ year | | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/Daniel D. Ryan/	Date (YYYY-MM-DD)	2011-07-28
Name	Daniel D. Ryan	Registration Number	29243
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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In re Patent No. 7220232 :
Issue Date: May 22,2007 :
Application No. 10202407 :DECISION GRANTING PETITION
Filed: July 24,2002 :UNDER 37 CFR 1.378(c)
Attorney Docket No. 9345.17121-CIP 2B :

This is a decision on the electronic petition, filed July 28,2011 ,under 37 CFR 1.378(c)
to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of July 28,2011 .
This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and
this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print
and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.



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In re Patent No. 7241270 :
Issue Date: July 10, 2007 :
Application No. 10202447 :DECISION GRANTING PETITION
Filed: July 24, 2002 :UNDER 37 CFR 1.378(c)
Attorney Docket No. 9345.17121-CIP 2A :

This is a decision on the electronic petition, filed July 28, 2011, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of July 28, 2011. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
7241270	2007-07-10	10202447	2002-07-24	9345.17121-CIP 2A

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|-----------------------|-----------|--------|
| <input type="radio"/> | 3 ½ year | (1551) |
| <input type="radio"/> | 7 ½ year | (1552) |
| <input type="radio"/> | 11 ½ year | (1553) |

Small Entity

- | | Fee | Code |
|----------------------------------|-----------|--------|
| <input checked="" type="radio"/> | 3 ½ year | (2551) |
| <input type="radio"/> | 7 ½ year | (2552) |
| <input type="radio"/> | 11 ½ year | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/Daniel D. Ryan/	Date (YYYY-MM-DD)	2011-07-28
Name	Daniel D. Ryan	Registration Number	29243
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

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The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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PERKINS COIE LLP
P.O. BOX 1208
SEATTLE WA 98111-1208

MAILED
SEP 29 2011
OFFICE OF PETITIONS

In re Patent No. 7,155,743	:
Daniel Goodman and	:
David Leib	:
Issue Date: December 26, 2006	: DECISION DISMISSING PETITION
Application No. 10/202,550	: UNDER 37 CFR 1.55(c)
Filed: July 23, 2002	: and
Title: METHOD AND SYSTEM FOR	: ON REQUEST FOR CERTIFICATE
CONTROLLING USE OF A	: OF CORRECTION
DYNAMICALLY LINKED SOFTWARE	:
LIBRARY	:

This is a decision on the PETITION TO ACCEPT UNINTENTIONALLY DELAYED CLAIM OF PRIORITY UNDER 37 C.F.R. 1.55(c) AND REQUEST FOR CERTIFICATE OF CORRECTION, filed August 25, 2011, to add benefit claims to Israeli Patent Application Nos. 124895 filed June 14, 1998, 127093 filed November 16, 1998 and 127869 filed December 30, 1998, by way of issuance of a certificate of correction.

As stated in MPEP 201.16,

A certificate of correction under 35 U.S.C. 255 and 37 CFR 1.323 may be requested and issued in order to perfect a claim for foreign priority benefit in a patented continuing application if the requirements of 35 U.S.C. 119(a)-(d) or (f) had been satisfied in the parent application prior to issuance of the patent and the requirements of 37 CFR 1.55(a) are met. Furthermore, if the continuing application (other than a design application), which issued as a patent, was filed on or after November 29, 2000, in addition to the filing of a certificate of correction request, patentee must also file a petition for

an unintentionally delayed foreign priority claim under 37 CFR 1.55(c)¹.

Patentee states that with respect to IL 127093 and 127869 the requirements of 35 U.S.C. 119(a)-(d) were satisfied in parent application No. 09/397,331 (now U.S. Patent No. 6,298,446) prior to issuance of the patent. Patentee states that with respect to IL 124895 the requirements of 35 U.S.C. 119(a)-(d) were satisfied in parent application No. 09/313,067 (now U.S. Patent No. 6,209,103) prior to issuance of the patent. This application is a continuing application of the '331 and '067 applications. A review of the '103 patent confirms that it issued on March 27, 2001 with the foreign priority benefit thereon. By certificate of correction signed September 27, 2011, the '446 patent was corrected to include the foreign priority benefit thereon to all three Israeli applications.

Accompanying the petition to accept the delayed claim of priority is a certificate of correction setting forth the requested foreign priority claim and payment of the certificate of correction processing fee.

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

- (1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;
- (2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date, and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6));
- (3) the surcharge as set forth in 37 CFR 1.17(t);
- (4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional (the Director may require

¹ However, a claim to foreign priority benefits cannot be perfected via a certificate of correction if the requirements of 35 U.S.C. 119(a)-(d) or (f) had not been satisfied in the patented application, or its parent, prior to issuance and the requirements of 37 CFR 1.55(a) are not met. In this latter circumstance, the claim to foreign priority benefits can be perfected only by way of a reissue application in accordance with the rationale set forth in Brenner v. State of Israel, 158 USPQ 584.

additional information where there is a question whether the delay was unintentional); and

(5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

This application filed July 23, 2002, was filed after November 29, 2000. The petition includes a claim for priority to foreign application/patent No. IL 124895, filed June 14, 1998; 127093 filed November 16, 1998; and 127869 filed December 30, 1998. Moreover, the petition includes payment of the surcharge and a proper statement of unintentional delay. Intermediate application No. 09/313,067 filed May 17, 1999 was filed within 12 months of the filing date of all 3 foreign applications.

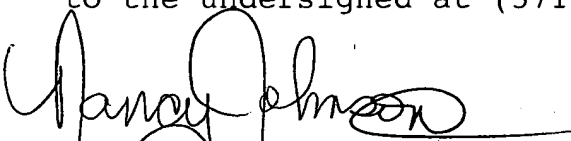
However, requirement (2) above is not met. The claim is not included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6)).

In view thereof, the petition under 37 CFR 1.55(c) is **DISMISSED**.

Any renewed petition must satisfy requirement (2) above.

The correspondence address of record remains with Perkins & Coie. A courtesy copy of the decision is being mailed to the address on the petition. All future correspondence will be sent to the address of record until such time as a proper change of correspondence address is filed.

Any inquiries directly pertaining to this matter may be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

cc: Dawn-Marie Bey
King & Spaulding
1700 Pennsylvania Avenue, NW
Suite 200
Washington, DC 20006



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Stolowitz Ford Cowger LLP / ptomail
621 SW Morrison Street
Suite 600
Portland OR 97205

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OFFICE OF PETITIONS

In re Patent No. 7,155,743 :
Daniel Goodman and :
David Leib : DECISION GRANTING PETITION
Issue Date: December 26, 2006 : UNDER 37 CFR 1.55(c)
Application No. 10/202,550 : and
Filed: July 23, 2002 : ON REQUEST FOR CERTIFICATE
Title: METHOD AND SYSTEM FOR : OF CORRECTION
CONTROLLING USE OF A :
DYNAMICALLY LINKED SOFTWARE :
LIBRARY :

This is a decision on the REQUEST FOR RECONSIDERATION OF THE DECISION TO DISMISS THE PETITION TO ACCEPT UNINTENTIONALLY DELAYED CLAIM OF PRIORITY UNDER 37 C.F.R. 1.55(c) AND REQUEST FOR CERTIFICATE OF CORRECTION, filed February 7, 2012, to add benefit claims to Israeli Patent Application Nos. 124895 filed June 14, 1998, 127093 filed November 16, 1998 and 127869 filed December 30, 1998, by way of issuance of a certificate of correction.

The petition under 37 CFR 1.55(c) is **GRANTED**.

By decision mailed September 29, 2011, the initial petition filed August 25, 2011 was dismissed. The requirements as set forth in MPEP 201.16 were met¹, except the claim submitted with the

¹ A certificate of correction under 35 U.S.C. 255 and 37 CFR 1.323 may be requested and issued in order to perfect a claim for foreign priority benefit in a patented

petition was not included in either an oath or declaration (37 CFR 1.63(c)(2)) or an Application Data Sheet (37 CFR 1.76(b)(6)) as required by 37 CFR 1.55(c).

The renewed petition includes an application data sheet containing the added priority claims to the foreign Israeli applications. The requirements of 37 CFR 1.55(c) have now been met.

A corrected Filing Receipt, which includes the priority claim to the above-noted, foreign applications, accompanies this decision on petition.

Petitioner is advised that the granting of this petition and the mailing of a corrected Filing Receipt should not be viewed as an indication that a determination has been made that this application is entitled to claim benefit of the foreign applications. A determination that patentee is entitled to claim benefit of the foreign applications will be made by the Examiner prior to the mailing of a certificate of correction.

This application is being referred to the Certificates of Correction Branch for processing the request for a certificate of correction in accordance with this decision on the petition under 37 CFR 1.55(c).

Any inquiries directly pertaining to this matter may be directed to the undersigned at (571) 272-3219.


Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Corrected Filing Receipt

continuing application if the requirements of 35 U.S.C. 119(a)-(d) or (f) had been satisfied in the parent application prior to issuance of the patent and the requirements of 37 CFR 1.55(a) are met. Furthermore, if the continuing application (other than a design application), which issued as a patent, was filed on or after November 29, 2000, in addition to the filing of a certificate of correction request, patentee must also file a petition for an unintentionally delayed foreign priority claim under 37 CFR 1.55(c)¹.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
10/202,550	07/23/2002	2134	2446	1259-0019	64	4

CONFIRMATION NO. 6015

CORRECTED FILING RECEIPT



OC000000052844922

11788
Stolowitz Ford Cowger LLP / ptomail
621 SW Morrison Street
Suite 600
Portland, OR 97205

Date Mailed: 02/29/2012

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Daniel I. Goodman, Beit Shemesh, ISRAEL;
David Leib, Beit Shemesh, ISRAEL;

Power of Attorney: The patent practitioners associated with Customer Number 73552

Domestic Priority data as claimed by applicant

This application is a CIP of 09/774,236 01/29/2001 ABN
which is a CIP of 09/397,331 09/14/1999 PAT 6298446
which is a CIP of 09/313,067 05/17/1999 PAT 6209103

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

ISRAEL 127093 11/16/1998
ISRAEL 127869 12/30/1998
ISRAEL 124895 06/14/1998

If Required, Foreign Filing License Granted: 08/26/2002

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/202,550**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

METHOD AND SYSTEM FOR CONTROLLING USE OF A DYNAMICALLY LINKED SOFTWARE LIBRARY

Preliminary Class

726

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation and commercialization of new technologies. The USA offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to encourage, facilitate, and accelerate business investment. To learn more about why the USA is the best country in the world to develop technology, manufacture products, and grow your business, visit SelectUSA.gov.



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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

MAILED

MAR 22 2011

PCT LEGAL ADMINISTRATION

In re Application of :
SHIRWAN : DECISION on PETITION
Application No.: 10/202,613 :
Filing Date: 23 July 2002 : UNDER
Attorney's Docket No.: 060592-0115 :
For: IMMUNE MODULATION WITH DEATH : 37 CFR 1.78(a)(3) and (a)(6)
RECEPTOR-INDUCED APOTOSIS :

This is a decision on Petitioner's "Petition to Accept Unintentionally Delayed Domestic Priority Claim Under 37 CFR 1.78(a)(6)", filed 28 July 2010, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to the prior-filed international application (PCT/EP2006/061710) and under 35 U.S.C. §119(e) for the benefit of prior-filed provisional applications set forth in the application data sheet filed concurrently with the instant petition. The petition will be treated under 37 CFR §§1.78(a)(3) and 1.78(a)(6).

The petition is **DISMISSED**.

A petition under 37 CFR §§1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii) and 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition under 37 CFR 1.78(a)(3) and 37 CFR 1.78(a)(6) must be accompanied by:

- (1) the reference required by 35 U.S.C. §§120 and 119(e) and 37 CFR §§1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR

1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not comply with item (1).

Applicant has not met the requirements for a grantable petition under 37 CFR 1.78(a)(3) and (a)(6) including proper references to the prior-filed international and provisional applications in an amendment to the first sentence of the specification following the title or an executed Supplemental Application Data Sheet, as provided by 37 CFR 1.78(a)(2)(iii).

Applicant is advised that a supplemental application data sheet (ADS) must bear a proper signature as required by 37 CFR 1.33(b). The ADS submitted with the present petition does not bear a proper signature as required by 37 CFR 1.33(b). Form PTO/SB/14 contains an appropriate signature block and can be obtained at <http://www.uspto.gov/ebc/portal/efs/sb0014.fill.pdf>. Applicant is further advised that a supplemental ADS must be titled in accordance with 37 CFR 1.76(c)(2).

Accordingly, before the petition under 37 CFR 1.78(a)(3) and 1.78(a)(6) can be granted, a renewed petition and either a Supplemental Application Data Sheet or a proper amendment (complying with 37 CFR 1.121 or 37 CFR 1.76(b)(5)) are required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Any questions concerning this matter may be directed to Cynthia Kratz at (571) 272-3286.

/Boris Milef/

Boris Milef

PCT Legal Examiner

Office of PCT Legal Administration



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JUL 28 2011

PCT LEGAL ADMINISTRATION

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

In re Application of :
SHIRWAN : DECISION on RENEWED
Patent No.: 7927602 :
Application No.: 10/202,613 :
Filing Date: 23 July 2002 : PETITION UNDER
Attorney's Docket No.: 060592-0115 :
For: IMMUNE MODULATION WITH DEATH : 37 CFR 1.78(a)(3) and (a)(6)
RECEPTOR-INDUCED APOTOSIS :

This is a decision on the "Renewed Petition To Accept Unintentionally Delayed Domestic Priority Claim Under 37 CFR 1.78(a)(3) and (a)(6)" filed 18 May 2011 in the United States Patent and Trademark Office.

The petition is **DISMISSED**.

A grantable petition to accept an unintentionally delayed claim under 35 U.S.C. 119(e) for benefit of a prior-filed *provisional application* must be filed *during the pendency* of the application. See 35 U.S.C. 119(e) ("...*The Director may establish procedures, including the payment of a surcharge, to accept an unintentionally delayed submission of an amendment under this subsection during the pendency of the application...*"). See also MPEP 1402. In the instant case, the petition considered herein was filed after the application issued into Patent No.: 7927602. Therefore, the petition must be dismissed

Any questions concerning this matter may be directed to Cynthia Kratz at (571) 272-3286.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Boris Milef/

Boris Milef
PCT Legal Examiner
Office of PCT Legal Administration



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Alexandria, VA 22313-1450
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MCDERMOTT, WILL & EMERY
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

MAILED
JUN 24 2011
OFFICE OF PETITIONS

In re Patent No. 7,314,160 :
Issue Date: January 1, 2008 :
Application No. 10/202,629 : **DECISION ON PETITION**
Filed: July 25, 2002 :
Attorney Docket No. 62807-081 :

This is a decision on the petition, filed, May 3, 2011, which is being treated as a request under 37 CFR 3.81(b)¹ to add the assignee's name on the Fee(s) Transmittal form PTOL-85(b) by way of a certificate of correction in the patent.

The request is **GRANTED**.

Petitioner states that the correct assignee's name is Hitachi-Omron Terminal Solutions Corp., petitioner further states that the assignee's name was not indicated on the Fee(s) Transmittal form PTOL-85(b) at the time of payment of the issue fee. Accordingly, petitioner requests that a certificate of correction be issued to reflect the correct assignee on the front page of the Letters Patent.

37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

The certificate of correction (and fee) as required by 3.81(b) was submitted on May 3, 2011. Further, Office assignment records reflect that Hitachi-Omron Terminal Solutions Corp. was the assignee of record before issuance of the patent. Accordingly, as the request complies with the provisions of 37 CFR 3.81(b), it is appropriate for a certificate of correction to be processed.

¹ See MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

Inquiries concerning this decision should be directed to Alicia Kelley-Collier at (571) 272-6059. Any questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

This matter is being referred to the Certificates of Correction Branch for processing of a certificate of correction.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6947469	2005-09-20	10202756	2002-07-25	42P11846X2C8C

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|---|-----|--------|
| <input checked="" type="radio"/> 3 ½ year | | (1551) |
| <input type="radio"/> 7 ½ year | | (1552) |
| <input type="radio"/> 11 ½ year | | (1553) |

Small Entity

- | | Fee | Code |
|---------------------------------|-----|--------|
| <input type="radio"/> 3 ½ year | | (2551) |
| <input type="radio"/> 7 ½ year | | (2552) |
| <input type="radio"/> 11 ½ year | | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/Kendal M. Sheets/	Date (YYYY-MM-DD)	2010-10-13
Name	Kendal M. Sheets	Registration Number	47077
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Patent No. 6947469 :
Issue Date: September 20, 2005 :
Application No. 10202756 :DECISION GRANTING PETITION
Filed: July 25, 2002 :UNDER 37 CFR 1.378(c)
Attorney Docket No. 42P11846X2C8C :

This is a decision on the electronic petition, filed October 14, 2010, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of October 14, 2010. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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In re Patent No.	6967809	:
Issue Date:	November 22, 2005	:
Application No.	10202780	:DECISION GRANTING PETITION
Filed:	July 24, 2002	:UNDER 37 CFR 1.378(c)
Attorney Docket No.	139-018	:

This is a decision on the electronic petition, filed December 8, 2010, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of December 8, 2010. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6967809	2005-11-22	10202780	2002-07-24	

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|----------------------------------|-----------|--------|
| <input checked="" type="radio"/> | 3 ½ year | (1551) |
| <input type="radio"/> | 7 ½ year | (1552) |
| <input type="radio"/> | 11 ½ year | (1553) |

Small Entity

- | | Fee | Code |
|-----------------------|-----------|--------|
| <input type="radio"/> | 3 ½ year | (2551) |
| <input type="radio"/> | 7 ½ year | (2552) |
| <input type="radio"/> | 11 ½ year | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/Benoit Castel/	Date (YYYY-MM-DD)	2010-12-08
Name	Benoit CASTEL	Registration Number	35041
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450
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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

MAILED

DEC 21 2010

OFFICE OF PETITIONS

In re Patent No. 7,705,050	:
Allegretti et al.	:
Issue Date: April 27, 2010	:
Application No. 10/203,463	:
Filed: October 27, 2003	:
Attorney Docket No. 4342-	:
0107PUS1	:
Title: AMIDES, USEFUL IN THE	:
INHIBITION OF IL-8-INDUCED	:
CHEMOTAXIS OF NEUTROPHILS	:

This is a decision on the petition filed on June 28, 2010, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by sixty-one (61) days.

The request for review of the patent term adjustment is **GRANTED** to the extent indicated.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by sixty (60) days is **GRANTED**.

The period of adjustment to which the patent is entitled under 37 CFR 1.702(a) is 49 days.

The period of adjustment to which the patent is entitled under 37 CFR 1.702(b) is 801 days.

Patentees contend that an addition reduction of 275 days is required for the delay in submitting a reply to the Notice to File Missing Parts mailed on October 24, 2002.

A review of the record shows the reduction is calculated from January 25, 2003, not January 24, 2003, thus the reduction totals 276, not 275 days.

Thus, the total reduction for patentees' delay totals 790 (276 + 31 + 92 + 61 + 92 + 91 + 86 + 61) days.

In view thereof, the patent is entitled to an overall adjustment of 60 days (850 days of Office delay less 790 days of applicant delay).

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

The application is being forwarded to the Certificate of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by sixty **(60)** days.

The \$200.00 petition fee set forth in 37 CFR 1.18(e) has been assessed. No additional fees are required.

Telephone inquiries specific to this matter should be directed to Petitions Attorney, Charlema Grant at (571) 272-3215.



Charlema Grant
Petition Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,705,050 B2

DATED : April 27, 2010

DRAFT

INVENTOR(S) : Allegretti et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 336 days

Delete the phrase "by 336 days" and insert – by 60 days--



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN VA 22102

MAILED
SEP 02 2011
OFFICE OF PETITIONS

In re Patent No. 7,403,821 :
Issued: July 22, 2008 :
Application No. 10/203,908 : NOTICE
Filed: November 15, 2002 :
Attorney Docket No. 011765-0303619 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed July 22, 2011.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **REJECTED**.

Petitioner states, "The required fees are being paid via EFS-Web with the filing of this paper." However, when reviewing the USPTO finance records, no fees have been received.

Any future request may be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PILLSBURY WINTHROP SHAW PITTMAN, LLP (NV)
PO BOX 10500
MCLEAN VA 22102

MAILED
JAN 25 2012
OFFICE OF PETITIONS

In re Patent No. 7,403,821	:	
Issue Date: July 22, 2008	:	
Application No. 10/203,908	:	NOTICE
Filed: November 15, 2002	:	
Attorney Docket No. 011765-0303619	:	

This is a notice regarding your second request, January 5, 2012, for acceptance of a fee deficiency submission under 37 CFR 1.28.

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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WINSTEAD PC
P.O. BOX 50784
DALLAS, TX 75201

MAILED

MAY 24 2011

OFFICE OF PETITIONS

In re Patent of Littlechild et al.	:	
Patent No. 7,248,145	:	Notice of Non-Acceptance of Patent
Issue Date: July 24, 2007	:	Maintenance Fee
Application No. 10/204,159	:	
Filing Date: November 5, 2002	:	

This is a letter responding to the request for acceptance of a fee deficiency submission of \$490 filed March 3, 2011, by Dennemeyer & Co LTD ("Dennemeyer").

The request is dismissed.

As discussed in this letter, the patent will expire unless the required surcharge of \$130 is submitted on or before July 25, 2011.

Background

The application issued as a patent on July 24, 2007.

Attorney Stanley R. Moore filed a letter pertaining to the instant patent on March 19, 2009. The letter stated the patent was no longer entitled to small-entity status.

On January 21, 2011, Dennemeyer submitted \$490 for the 3.5 year maintenance fee.

On March 3, 2011, Dennemeyer submitted a letter stating Dennemeyer had been informed by the client that large-entity status is appropriate. The letter requests the Office charge an additional \$490 to Deposit Account No. 04-0750.

The Office charged an additional \$490 to the deposit account on March 4, 2011, based on the instructions in the March 3, 2011 letter.

Discussion

The date of payment for a fee is the date the fee is paid in full. The required 3.5 year maintenance fee of \$980 was not paid in full until March 3, 2011, when the Office received authorization to Deposit Account No. 04-0750.

The 3.5 year maintenance fee of \$980 could have been timely paid without payment of a surcharge during the time period beginning July 24, 2010, and ending January 24, 2011. However, as previously stated, the full payment of \$980 was not submitted during the time period.

The 3.5 year maintenance fee of \$980 could have been timely paid *with a surcharge* on March 3, 2011. However, the surcharge has not been submitted. Therefore, the required \$980 maintenance fee has not been timely paid as of the current date.

The last date the 3.5 year maintenance fee of \$980 and a \$130 surcharge can be timely paid is Monday, July 25, 2011. *In other words, the instant patent will expire unless the surcharge of \$130 is submitted on or before July 25, 2011.*

The address on the March 3, 2011 letter differs from the address of record. If appropriate, a request to change the address of record should be filed. A courtesy copy of the instant letter is being mailed to the address on the March 3, 2011 letter. However, the Office will mail all future correspondence solely to the current address of record absent receipt of appropriate instructions to the contrary.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

cc: Denmeyer & Co Ltd
Regent House, Heaton Lane
Stockport, Cheshire SK4 1BB
United Kingdom



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P.O. BOX 50784
DALLAS, TX 75201

MAILED

JUN 09 2011

OFFICE OF PETITIONS

In re Patent of Littlechild et al.	:	
Patent No. 7,248,145	:	
Issue Date: July 24, 2007	:	Letter
Application No. 10/204,159	:	
Filing Date: November 5, 2002	:	

This is a letter responding to a letter filed May 27, 2011, by Dennemeyer & Co LTD ("Dennemeyer").

Dennemeyer submitted the sum of \$490 to the Office on January 21, 2011.

Dennemeyer submitted an additional \$490 on March 3, 2011.

The Office issued a letter on May 24, 2011, indicating the required \$130 surcharge had not been submitted and indicating the patent would expire unless the \$130 surcharge was submitted on or before July 25, 2011.

The instant letter authorizes the Office to charge the \$130 surcharge to Deposit Account No. 04-0750.

The Office has charge the required \$130 surcharge to the deposit account.

As of May 27, 2011, the Office had received the \$980 for the maintenance fee and the \$130 surcharge. In other words, the 7.5 year maintenance fee has been timely paid for the instant patent.

Based on all the facts and circumstances, a courtesy copy of the instant letter is being mailed to Dennemeyer at the address set forth in the May 27, 2011 letter. However, the Office will mail all future correspondence solely to the current address of record absent receipt of appropriate instructions to the contrary.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

A handwritten signature in black ink, appearing to read 'C. Brantley', written in a cursive style.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

cc: Dennemeyer & Co Ltd
Regent House, Heaton Lane
Stockport, Cheshire SK4 1BB
United Kingdom



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LONDA, BRUCE S.
NORRIS MCLAUGHLIN & MARCUS, PA
875 THIRD AVE, 8TH FLOOR
NEW YORK NY 10022

MAILED
AUG 24 2011
OFFICE OF PETITIONS

In re Patent No. 7,903,292	:	
Issue Date: March 8, 2011	:	
Application No. 10/204,516	:	DECISION ON PETITION
Filed: October 28, 2002	:	
Attorney Docket No. 101215-104	:	

This is a decision on the Request For Certificate Under Rule 322, filed July 13, 2011, which is being treated as a Petition Under 37 CFR §3.81(b), to identify the correct assignee's name. A completed Certificate of Correction Form (PTO/SB/44) was submitted with Petition.

The petition under 37 CFR §3.81(b) is **GRANTED**.

Petitioner requests that the present Petition was submitted to correct the assignee's name on the previously submitted PTOL 85B. Accordingly, petitioner requests, in effect, that the Title Page of the above-identified patent be corrected, via issuance of Certificate of Correction, to correct the assignee's name identified thereon from:

"THINPRINT GMBH"

to:

--THINPRINT AG--

37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in §3.11 before issuance of the patent, and must include a request for a certificate of correction under §1.323 of this chapter (accompanied by the fee set forth in §1.20(a) and the processing fee set forth in §1.17(i) of this chapter.

U.S. Patent No. 7,903,292
Application No. 10/204,516
Decision on Petition under 37 CFR §3.81(b)

Page 2

The requisite \$130.00 processing fee (Fee Code 1464), as set forth under 37 CFR §1.17(i), has been submitted. However, requisite \$100.00 fee (Fee Code 1811), as set forth under 37 CFR §1.20(a), is required. Therefore, since the petition was accompanied deposit account authorization, the fee has been charged. Further, Office assignment records are consistent with the requested correction. Accordingly, since the Petition complies with the provisions of 37 CFR §3.81(b), it is appropriate for the Office to issue a Certificate of Correction in accordance with the content of the Form (PTO/SB/44) submitted with Petition.

Inquiries related this communication should be directed to the undersigned at (571)272-3213.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (703)756-1814.

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. 7,903,292.

A handwritten signature in black ink, appearing to read "Cheryl Gibson-Baylor". The signature is fluid and cursive, with the first name "Cheryl" being more prominent.

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

11.1

Paper No.: _____

DATE : April 7, 2011

TO SPE OF : ART UNIT 2436

SUBJECT : Request for Certificate of Correction for Appl. No. 10/204806 patent No. 7739512
C of C mailroom date: --03-22--11

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

Magdalene Talley

Certificates of Correction Branch
571-272- 0423

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

Formatted: Indent: Left: 88 pt

Nasser Moazzami **2436**

SPE

Art Unit

Deleted: _____

Deleted: _____

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 12/23/2011
 TO SPE OF : ART UNIT 3717 Melba Bumgarner (spe)
 SUBJECT : Request for Certificate of Correction for Appl. No.: 10/205,305 Patent No.: 8012013

CofC mailroom date: _____

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

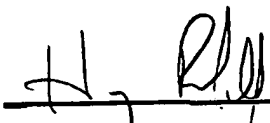
Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Note: _____



 Certificates of Correction Branch
 571-272-8680 _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____


SPE

3717
Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 09-29-11-

TO SPE OF : ART UNIT 1629

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/205353 Patent No.: 6689810

CofC mailroom date: 1629

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square - 9D10-A
Palm Location 7580



Note: _____

Angela Green 571.272.9005
CofC Branch 703-756-1814

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

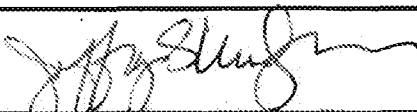
Specify below which changes do not apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

SPE



Art Unit

1629

OK TO ENTER: /K.W./

10/06/2011

PTO/SB/44 (09-07)

Approved for use through 08/31/2013. OMB 0651-0033

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

Page 1 of 1

PATENT NO. : 6,689,810
APPLICATION NO.: 10/205,353
ISSUE DATE : February 10, 2004
INVENTOR(S) : Alain Martin

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In claim 11 at column 17, line 57 - line 58 kindly correct "from about 0.1 millimoles to about 5 millimoles." to
"from about 0.0001 millimoles to about 0.025 millimoles."

In claim 12 at column 17, line 60 - line 61 kindly correct "from about 0.2 millimoles to about 4.0 millimoles." to
"from about 0.0002 millimoles to about 0.020 millimoles."

It is respectfully submitted that the correction set forth above does not constitute new matter and does not broaden, but rather limit the claim in scope. This correction is made to amend a typographical error inadvertently made by Applicant when the original application was filed. The correction is supported in the specification at column 7, line 61 to column 8, line 8.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Craig M. Bell
407 Sergeant Drive
Lambertville, New Jersey 08530

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

COOPER & DUNHAM LLP
30 ROCKEFELLER PLAZA
20TH FLOOR
NEW YORK NY 10112

MAILED
MAR 29 2011
OFFICE OF PETITIONS

In re
Application No. 10/205,475
Filed: July 24, 2002
Patent No. 7,778,703
Issued: August 17, 2010

DECISION

This is a decision on the fee deficiency submission under 37 CFR 1.28(c), filed February 15, 2011.

The fee deficiency submission under 37 CFR 1.28 of \$755 for the issue fee is hereby accepted.

The change of status to large entity has been entered.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAYER BROWN LLP
P.O. Box. 2828
Chicago IL 60690

MAILED

SEP 13 2010

OFFICE OF PETITIONS

In re Application of	:	
Eriyama, Yuichi et al.	:	
Application No. 10/205,626	:	DECISION ON PETITION
Filed: July 26, 2002	:	TO WITHDRAW
Attorney Docket No. P 292931/ D1112/J8574	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 05, 2010.

The request is **NOT APPROVED**.

The Office has revised its change in procedure for request to withdraw from representation applies to requests filed on or after May 12, 2008.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because no change of address was provided.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272- 2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20100731

DATE : July 31, 2010

TO SPE OF : ART UNIT 2622

SUBJECT : Request for Certificate of Correction on Patent No.: 7221391

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - ST (South Tower) 9A22

Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments:

/LIN YE/
Supervisory Patent Examiner.Art Unit 2622

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
7,117,516	2006-10-03	10/206,393	2002-07-26	084347-0057

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☒ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|---|-----|--------|
| <input checked="" type="radio"/> 3 ½ year | | (1551) |
| <input type="radio"/> 7 ½ year | | (1552) |
| <input type="radio"/> 11 ½ year | | (1553) |

Small Entity

- | | Fee | Code |
|---------------------------------|-----|--------|
| <input type="radio"/> 3 ½ year | | (2551) |
| <input type="radio"/> 7 ½ year | | (2552) |
| <input type="radio"/> 11 ½ year | | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/Michael A. Messina/	Date (YYYY-MM-DD)	2011-03-16
Name	Michael A. Messina	Registration Number	33424
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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In re Patent No. 7117516 :
Issue Date: October 3, 2006 :
Application No. 10206393 :DECISION GRANTING PETITION
Filed: July 26, 2002 :UNDER 37 CFR 1.378(c)
Attorney Docket No. IN.101.6C :

This is a decision on the electronic petition, filed March 16, 2011, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of March 16, 2011. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : January 20, 2010
TO SPE OF : ART UNIT 2131
SUBJECT : Request for Certificate of Correction for Appl. No.: 10/206402 / Patent no. 7266683

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Magdalene Talley

Certificates of Correction Branch
571-272-0423

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes do not apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

ALL CORRECTIONS ARE APPROVED

/GILBERTO BARRON JR./

SPE 2432



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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BOYLE FREDRICKSON S.C.
840 North Plankinton Avenue
MILWAUKEE WI 53203

MAILED

APR 08 2011

OFFICE OF PETITIONS

In re Application of	:	
Bengt Widegren et al.	:	
Application No. 10/206,557	:	DECISION ON PETITION
Filed: July 26, 2002	:	TO WITHDRAW
Attorney Docket No. 1808.001	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed February 11, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because the requested change in the correspondence address is improper.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

Therefore, as there is currently no Statement under 37 CFR 3.73(b) with the current assignee information of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw at this present time.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

A handwritten signature in black ink, appearing to read 'JoAnne Burke', with a stylized, looping design.

JoAnne Burke
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 02-22-11

TO SPE OF : ART UNIT 3691

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/206589 Patent No.: 7542923

CofC mailroom date: 02-08-11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:


Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**



**Angela Green
Certificates of Correction Branch
(703) 756-1541**

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

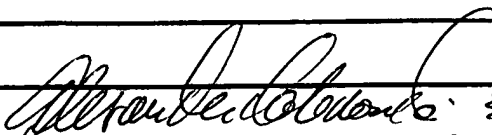
☐ **Approved in Part**

Specify below which changes do not apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____



SPE Art Unit 3691



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FISH & RICHARDSON P.C. (BO)
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

MAILED

DEC 03 2010

OFFICE OF PETITIONS

In re Application of :
Hughes et al. :
Application No. 10/206,789 : **DECISION ON PETITION**
Filed: July 25, 2002 :
Attorney Docket No. 09857-110001 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 26, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Decision On Request For Rehearing mailed, May 4, 2010, by the Board of Patent Appeals and Interferences. Accordingly, the application became abandoned on July 5, 2010. A Notice of Abandonment was mailed July 20, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a continuation, (2) the petition fee of \$1,620.00, and (3) a proper statement of unintentional delay.

The above-identified application is being revived solely for purposes of continuity. As continuity has been established by this decision reviving the above-identified application, the above-identified application is again abandoned in favor of continuing application No. 12/911,907, filed October 26, 2010.

Further, 37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

Joan Olszewski
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JAMES C. WRAY
1493 CHAIN BRIDGE ROAD
SUITE 300
MCLEAN, VA 22101

MAILED
MAY 05 2011
OFFICE OF PETITIONS

In re Patent No. 7,258,846 :
Issue Date: August 21, 2007 :
Application No. 10/207,122 :
Filed: July 30, 2002 :
Attorney Docket No. DE RYCKER :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-1642.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JONES DAY
555 SOUTH FLOWER STREET FIFTIETH FLOOR
LOS ANGELES CA 90071

MAILED
FEB 24 2011
OFFICE OF PETITIONS

In re Patent No. 6,872,226	:	
Issued: March 29, 2005	:	
Application No. 10/207,438	:	ON PETITION
Filed: July 26, 2002	:	
Attorney Docket No. 3FTHERA.008A	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed January 18, 2011.

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

It is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent regarding this patent. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts. While, a courtesy copy of this decision is being mailed to the address given on the petition, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

A handwritten signature in cursive script, appearing to read "Joan Olszewski".

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Jeffrey J. Hohenshell
710 Medtronic Parkway
Minneapolis, MN 55432

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110406

DATE : April 06, 2011

TO SPE OF : ART UNIT 2622

SUBJECT : Request for Certificate of Correction on Patent No.: 7428017

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - ST (South Tower) 9A22

Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments:

/LIN YE/
Supervisory Patent Examiner.Art Unit 2622

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6929142	2005-08-16	10/207,660	2002-07-29	068880/00001J

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|-----------------------|-----------|--------|
| <input type="radio"/> | 3 ½ year | (1551) |
| <input type="radio"/> | 7 ½ year | (1552) |
| <input type="radio"/> | 11 ½ year | (1553) |

Small Entity

- | | Fee | Code |
|----------------------------------|-----------|--------|
| <input checked="" type="radio"/> | 3 ½ year | (2551) |
| <input type="radio"/> | 7 ½ year | (2552) |
| <input type="radio"/> | 11 ½ year | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/Michael T. Smith/	Date (YYYY-MM-DD)	2011-01-05
Name	Michael T. Smith	Registration Number	47099
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Patent No. 6929142 :
Issue Date: August 16, 2005 :
Application No. 10207660 :DECISION GRANTING PETITION
Filed: July 29, 2002 :UNDER 37 CFR 1.378(c)
Attorney Docket No. 6452*5 :

This is a decision on the electronic petition, filed January 5, 2011, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of January 5, 2011. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
7,261,008	2007-08-28	10/207,946	2002-07-30	RI-Air Sampler.03

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|-----------------------|-----------|--------|
| <input type="radio"/> | 3 ½ year | (1551) |
| <input type="radio"/> | 7 ½ year | (1552) |
| <input type="radio"/> | 11 ½ year | (1553) |

Small Entity

- | | Fee | Code |
|----------------------------------|-----------|--------|
| <input checked="" type="radio"/> | 3 ½ year | (2551) |
| <input type="radio"/> | 7 ½ year | (2552) |
| <input type="radio"/> | 11 ½ year | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/Gregory W. Moravan, attorney for Assignee/	Date (YYYY-MM-DD)	2012-02-28
Name	Gregory W. Moravan	Registration Number	28741
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

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2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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In re Patent No.	7261008	:
Issue Date:	August 28, 2007	:
Application No.	10207946	:DECISION GRANTING PETITION
Filed:	July 30, 2002	:UNDER 37 CFR 1.378(c)
Attorney Docket No.	BAES:021USC1	:

This is a decision on the electronic petition, filed February 28, 2012, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of February 28, 2012. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.



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**B.Y.I.P. LTD.
P.O. BOX 1484
GENERAL POST OFFICE
HONG KONG 00000 HK HONG KONG**

MAILED

OCT 11 2011

OFFICE OF PETITIONS

In re Patent No. 6,690,692 :
Issue Date: February 10, 2004 :
Application No. 10/208,311 :
Filed: July 29, 2002 :
Attorney Docket No. SUN-1104-USPT :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to Diane Goodwyn at (571) 272-6735.

Thurman K. Page
Petitions Examiner
Office of Petitions



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

RAJ ABHYANKER, P.C.
1580 WEST, EL CAMINO REAL, SUITE 8
MOUNTAIN VIEW, CA 94040

MAILED
SEP 14 2010
OFFICE OF PETITIONS

In re Application of :
Trossell et al. :
Application No. 10/208,358 : DECISION ON PETITION
Filed: July 30, 2002 :
Attorney Docket No. 00090.00001US1 :

This is a decision on the petition under 37 CFR 1.137(b), filed July 7, 2010, and supplemented on July 12, 2010, to revive the above-identified application.

The petition is **GRANTED**.

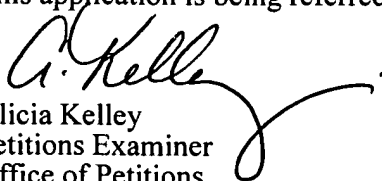
This application became abandoned for failure to timely pay the issue and publication fees on or before April 28, 2010, as required by the Notice of Allowance and Fee(s) Due mailed January 28, 2010. Accordingly, the application became abandoned on April 29, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$755 and the publication fee of \$300, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the undersigned at (571)272-6059.

This application is being referred to the Office of Data Management for processing into a patent.


Alicia Kelley
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE 7-15-10

Paper No.: _____

TO SPE OF : ART UNIT _____

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/208562 Patent No.: 7263610

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES: check Drawings

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (C of C)
Randolph Square 9C62-D
Palm Location 7580**

Ennis Young

**Certificates of Correction Branch
703-756-1542**

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

ALL changes APPROVED, including DRAWINGS

/Gilberto Barron Jr/

2432

SPE

Art Unit



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P.O. Box 1450
Alexandria, VA 22313-1450
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Workman Nydegger
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City UT 84111

MAILED

MAY 04 2011

OFFICE OF PETITIONS

In re Patent of Parker et al.
Patent No. 7,263,610
Issued: August 28, 2007
Application No. 10/208,562
Filed: July 30, 2002
Attorney Docket No. 13587.34

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed April 12, 2011.

Your fee deficiency submission under 37 CFR 1.28 is **NOT ACCEPTED**. The patent's entity status remains small.

Any reconsideration petition should be filed within TWO (2) months of the mailing of this decision. Extensions of time are not available.

A.J. Peach of Dennemeyer & Co LTD has filed the present fee deficiency. Dennemeyer & Co LTD is not authorized to make entity assertions for this patent and the enclosed letter from Gregory J. Murgia of Alcatel-Lucent USA Inc. is not acceptable because a 37 CFR 3.73(b) statement is missing and it is not clear that Mr. Murgia has authority to bind the assignee.

A courtesy copy of this decision is being mailed to the address listed on the petition.

Further correspondence with respect to this matter should be delivered through one of the following mediums:


By mail: **Mail Stop PETITIONS**
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

By internet: EFS-Web
www.uspto.gov/ebs/efs_help.html
(for help using EFS-Web call the
Patent Electronic Business Center
at (866) 217-9197)

Inquiries related to this communication should be directed to the undersigned at (571) 272-3230.


Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

CC: A J PEACH
DENNEMEYER & CO LTD
REGENT HOUSE HEATON LANE
STOCKPORT CHESHIRE
ENGLAND SK4 1BB



UNITED STATES PATENT AND TRADEMARK OFFICE

SEP 13 2011

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Christopher N. Sipes
Covington & Burling LLP
1201 Pennsylvania Ave., NW
Washington, DC 20004-2401

Re: Patent Term Extension
Application for
U.S. Patent No. 6,872,838

WITHDRAWAL OF APPLICATION FOR PATENT TERM EXTENSION

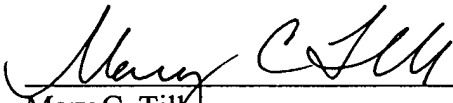
This is in response to the election of U.S. Patent No. 6,204,257 filed August 18, 2011, for patent term extension for U.S. Patent No. 6,872,838 based on the regulatory review of LUSEDRA® (fospropofol disodium).

Because U.S. Patent No. 6,872,838 was NOT elected, the application is withdrawn.

Any correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Hatch-Waxman PTE
P.O. Box 1450
Alexandria, VA 22313-1450

Telephone inquiries related to this determination should be directed to the undersigned at (571) 272-7755. E-mail inquiries should be directed to mary.till@uspto.gov.



Mary C. Till
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Associate Commissioner
for Patent Examination Policy

cc: Office of Regulatory Policy
Food and Drug Administration
10903 New Hampshire Ave., Bldg. 51, Rm. 6222
Silver Spring, MD 20993-0002

RE: LUSEDRA® (fospropofol
disodium)
Docket No.: FDA-2009-E-0204

Attention: Beverly Friedman



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Alexandria, VA 22313-1450
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RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE, PA 19482

MAILED

MAR 08 2011

OFFICE OF PETITIONS

In re Application of
Wilkes et al.
Application No. 10/208,660
Filed: July 30, 2002
Attorney Docket No. ACCC-100US

:
:
: DECISION GRANTING PETITION
: UNDER 37 CFR 1.78(a)(3)
:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed October 18, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to prior-filed nonprovisional applications set forth in the amendment filed concurrently with the instant petition. This is also a decision on the petition under 37 CFR 1.182, filed October 18, 2010.

The petitions are **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed provisional application is submitted after expiration of the period specified by 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the above-noted, prior-filed nonprovisional application has been included in an amendment to the first sentence of the specification following the title, as provided by 37 CFR 1.78(a)(2)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the above-noted, prior-filed nonprovisional application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that the instant application is entitled to the benefit of the prior-filed application. In order for the instant application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Alicia Kelley at (571) 272-6059.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
10/208,660	07/30/2002	2619	2442	ACCC-100US	48	8

CONFIRMATION NO. 3563

CORRECTED FILING RECEIPT



OC000000046424217

23122
RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE, PA 19482

Date Mailed: 03/08/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

T. Clay Wilkes, Austin, TX;
Alex Radulovic, Round Rock, TX;

Power of Attorney: The patent practitioners associated with Customer Number 23122

Domestic Priority data as claimed by applicant

This application is a CON of 09/120,665 07/22/1998 PAT 6,438,124
which is a CON of 08/599,238 02/09/1996 ABN

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

If Required, Foreign Filing License Granted: 09/05/2002

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/208,660**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Voice internet transmission system

Preliminary Class

370

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER**Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

MAILED

MAR 04 2011

OFFICE OF PETITIONS

In re Application of	:	
Valjakka et al.	:	
Application Number: 10/208,685	:	ON PETITION
Filing Date: 07/30/2002	:	
Attorney Docket Number: 0365-	:	
0813PUS1	:	

This is a decision in response to the petition under 37 CFR 1.137(b) filed on December 22, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on March 24, 2009, for failure to timely file corrected drawings in response to the non-final Office action mailed on December 23, 2009, which set a three (3)-month shortened statutory period for reply. Notice of Abandonment was mailed on July 9, 2010.

Receipt of the amendment filed on December 22, 2010 is acknowledged.

The application is being referred to Technology Center Art Unit 2451 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions



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APR 08 2011

OFFICE OF PETITIONS

**THOMSON LICENSING LLC
2 INDEPENDENCE WAY
PO BOX 5312
PRINCETON NJ 08543**

In re Application of	:	
HOLTZ, et al	:	
Application No. 10/208,810	:	ON PETITION
Filed: August 1, 2002	:	
Attorney Docket No. PU040197	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 6, 2011, to revive the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of June 14, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). Since the amendment submitted does not *prima facie* place the application in condition for allowance (see attached Advisory Action), the reply required must be a Notice of Appeal (and appeal fee), RCE, or the filing of a continuing application under 37 CFR 1.53(b).

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted.

Petitioner states an attempt was made to respond to the Office Action dated June 14, 2010, however, a review of the Office record indicates the facsimile transmission sent on August 10, 2010, was sent to an incorrect number.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries concerning this decision should be directed to the undersigned at **(571) 272-6735**.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

Attachment: Advisory Action

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/208,810	Applicant(s) HOLTZ ET AL.	
	Examiner FRED PENG	Art Unit 2426	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 January 2011 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: _____.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
The argument is not persuasive.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.



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**THOMAS LICENSING LLC
2 INDEPENDENCE WAY
PO BOX 5312
PRINCETON NJ 08543**

MAILED

JUL 05 2011

OFFICE OF PETITIONS

In re Application of :
HOLTZ, et al :
Application No. 10/208,810 : **DECISION ON PETITION**
Filed: August 1, 2002 :
Attorney Docket No. PU040197 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed June 3, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The two-month period for filing an appeal brief under 37 CFR 41.37 (accompanied by the fee required by 37 CFR 41.20(b)(2)), runs from the date of this decision.

This application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of June 14, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is September 15, 2010. A Notice of Abandonment was mailed January 3, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Notice of Appeal; (2) the petition fee of \$1620; and (3) a statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to Technology Center AU 2426 to await the filing of an appeal brief or for such other appropriate reply as may be submitted to continue prosecution of the application.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions



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SEP 23 2010

OFFICE OF PETITIONS

**H. C. Chan
T-RAM, Inc.
100 Headquarters Drive
San Jose CA 95134-1370**

In re Patent No. 6,958,931
Issue Date: October 25, 2005
Application No. 10/209,116
Filed: July 30, 2002
Attorney Docket No. PA2430US

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:
:
:
:

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed July 26, 2010. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

The change of correspondence address filed on July 26, 2010 is not acceptable. The attorney signing the request is not of record in this application. A statement under 37 C.F.R. 3.73(b) authorizing a person or persons to act on their behalf must be submitted in order for a change of address can be processed.

Your fee deficiency submission under 37 CFR 1.28 is hereby accepted. The petition is **GRANTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

This file is being forwarded to Files Repository.

Telephone inquiries related to this decision should be directed to the Kimberly Inabinet at (571) 272-4618.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

cc: The Webostad Firm, A Professional Corporation
150 North Wiget Lane
Suite 200
Walnut Creek, CA 94598



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LOS ALAMOS NATIONAL SECURITY, LLC
LOS ALAMOS NATIONAL LABORATORY
PPO. BOX 1663, LC/IP, MS A187
LOS ALAMOS NM 87545

In re Patent No. 7,079,192
Issue Date: July 18, 2006
Application No. 10/209,147
Filed: July 30, 2002
Attorney Docket No. S-97,854

MAILED
FEB 01 2011
OFFICE OF PETITIONS
ON PETITION

This is a decision on the petition under 37 CFR 1.378(c), filed December 13, 2010, to accept the unintentionally delayed payment of a maintenance fee for the above-identified patent.

The petition is **GRANTED**.

This patent expired on July 18, 2010 for failure to pay the 3 ½ year maintenance fee. Since this petition was submitted within twenty-four months after the six-month grace period provided in 37 CFR 1.362(e), the petition was timely filed under the provisions of 37 CFR 1.378(c).

The maintenance fee is hereby accepted and the above-identified patent is reinstated as of the mail date of this decision.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions



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LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1122B
4417 LANCASTER PIKE
WILMINGTON, DE 19805

In re Patent of Richard A. Hayes	:	DECISION ON REQUEST
Patent No. 7,625,994	:	FOR RECONSIDERATION OF
Issue Date: December 1, 2009	:	PATENT TERM ADJUSTMENT
Application No. 10/209,369	:	AND NOTICE OF INTENT TO
Filing Date: July 30, 2002	:	ISSUE CERTIFICATE OF
Attorney Docket No. AD6884 US NA	:	CORRECTION

This is a decision on the request filed May 20, 2010, which requests the patent term adjustment indicated on the patent be corrected to indicate the term of the patent is extended or adjusted by four hundred fifty-nine (459) days.

The petition to correct the patent term adjustment indicated on the patent to indicate the term of the patent is extended or adjusted by four hundred fifty-nine (459) days is **GRANTED to the extent indicated herein.**

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 C.F.R. § 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under 37 C.F.R. § 1.136.

No portion of this decision should be construed as a waiver of the requirement, set forth in 35 U.S.C. § 154(b)(4), that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. § 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

Procedural Background

The Office mailed a Determination of Patent Term Adjustment under 35 U.S.C. § 154(b) advising Applicant of a patent term adjustment to date of 557 days on September 21, 2009.

The patent issued December 1, 2009. The patent included a patent term adjustment of 1,046 days.

Applicant filed a “Request for Reconsideration of Patent Term Adjustment in View of *Wyeth*” on February 17, 2010.

The Office issued a decision in response to the February 17, 2010 request on April 20, 2010. The decision stated the patent term adjustment is 200 days.

The instant request for reconsideration was timely filed May 20, 2010.

Discussion

The 1,046-day patent term adjustment on the patent consisted of:

1. A 627-day increase in patent term adjustment for delay under 35 U.S.C. §§ 154(b)(1)(A) and (C) (“A/C Delay”),
2. A 540-day increase in patent term adjustment for delay under 35 U.S.C. § 154(b)(1)(B) (“B Delay”), and
3. A 121-day reduction in patent term adjustment for delay under 35 U.S.C. § 154(b)(2)(C) (“Applicant Delay”).

Applicant did not file a petition under 37 C.F.R. § 1.705(b) prior to, or with, payment of the issue fee. Applicant also did not file a petition under 37 C.F.R. § 1.705(d) within two months of the issuance of the patent. Therefore, the Office will not address any disagreement Applicant may have with the Office’s prior determinations of A/C Delay and/or Applicant Delay set forth above.

Applicant is requesting reconsideration of a decision issued in response to a “Request for Reconsideration of Patent Term Adjustment in View of *Wyeth*.” Therefore, the Office will *only* address the issue of the extent to which the patent term adjustment on the patent should have included an increase for B Delay.

A review of the record indicates the correct number of days of B Delay is 164 days¹ and indicates the period of B Delay does not overlap with the period of A/C Delay. Therefore, the Office should have increased the patent term adjustment by 164 days for B Delay.

Based on the prior discussion, the Office will issue a certificate of correction indicating the patent term adjustment is 670 days, which is the sum of 627 days of A/C Delay and 164 days of B Delay reduced by 121 days of Applicant Delay.

The Office acknowledges submission of the \$200.00 fee set forth in 37 C.F.R. § 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the patent is extended or adjusted by **six hundred seventy (670) days**.

¹ The Office notes the period of B Delay does not include any time consumed by continued examination or appellate review.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203.

A handwritten signature in black ink, appearing to read 'C. S. Brantley', with a stylized, cursive script.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

**UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION**

PATENT NO. : 7,625,994 B2
APPLICATION NO. : 10/209,369
DATED : December 1, 2009
INVENTOR(S) : Richard A. Hayes et al.

DRAFT

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the Title page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 1046 days.

Delete the phrase "by 1046 days" and insert -- by 670 days--



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LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD FL 33022-2480

MAILED

FEB 09 2011

OFFICE OF PETITIONS

In re Patent No. 6,773,854
Issue Date: August 10, 2004
Application No. 10/210,011

Filed: July 31, 2002

Attorney Docket No. W&B-INF-1268

DECISION ON PETITION

This is a decision on the Petition Under 37 C.F.R. 1.183, filed December 3, 2004, which is being treated as a Petition Under 37 CFR 3.81(b) to add -IMS Ionen Mikrofabrikations Systeme GmbH, Wein (AT)-- as the additional assignee to the Title Page of the Patent via a Certificate of Correction.

The petition under 37 CFR §3.81(b) is **DISMISSED**.

Petitioner requests that the present Petition was submitted to add the omitted -IMS Ionen Mikrofabrikations Systeme GmbH, Wein (AT)-- on the previously submitted PTOL-85B and such error was inadvertent.

37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.


W&B-INF-1268
(AT) on file

U.S. Patent No. 6,773,854
Application No. 10/210,011
Decision on Petition under 37 CFR 3.81

Page 2

U.S. Patent and Trademark Office assignments records disclose that a corrective assignment *IMSLonen Mikrofabrikations Systemme GmbH* was submitted for recordation on March 28, 2008. Therefore, the corrective recorded assignment was **after the date of issuance of this patent**. Accordingly, since the corrective assignment was not submitted for recordation until after issuance of this patent, issuance of a certification of correction would not be proper.

Inquiries related this communication should be directed to the undersigned at (571)272-3213.


Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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Paper no. 9

Ross J. Reed
489 Crystal Springs RD
Cookieville TN 38506

MAILED

FEB 28 2011

OFFICE OF PETITIONS

ON PETITION

In re Patent No. 6,665,978 :
Issue date: December 23, 2003 :
Application No. 10/210,017 :
Filed: July 31, 2002 :
Attorney Docket No. N/A :
For: FISHING HOOK BAIT ATTACHMENT
DEVICE AND METHOD

This is a decision on the petition under 37 CFR 1.378(b), filed December 10, 2010 (certificate of mailing date December 3, 2010) to accept unavoidably delayed payment of a maintenance fee for the above-identified patent.

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration under 37 CFR 1.378(e) must be filed within TWO (2) MONTHS from the mail date of this decision. No extension of this 2-month time limit can be granted under 37 CFR 1.136(a) or (b). Any such petition for reconsideration must be accompanied by the petition fee of \$400. The petition for reconsideration should include an exhaustive attempt to provide the lacking item noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

The patent issued December 23, 2003. The 3 ½ year maintenance fee could have been paid from December 23, 2006 through June 23, 2007, or with a surcharge during the period from June 24, 2007 through December 23, 2007. The 3 ½ year maintenance fee was not timely paid. Accordingly, the patent expired on December 24, 2007.

Statute and Regulation

37 CFR 1.378(a) provides that the Director may accept the payment of any maintenance fee due on a patent based on an expiration of the patent, if, upon petition, the delay in payment of the maintenance fee is shown to the satisfaction of the Director to have been unavoidable or unintentional. The appropriate surcharge set forth in § 1.20(i) must be paid as a condition of accepting payment of the maintenance fee. The surcharges set at 37 CFR 1.20(i) are established pursuant to 35 U.S.C. 41(c) and, therefore, are not subject to small entity provisions of 35 U.S.C. 41(h). No separate petition fee is required for this petition. If the Director accepts payment of

the maintenance fee upon petition, the patent shall be considered as not having expired but will be subject to the intervening rights and provisions of 35 U.S.C. 41(c)(2).

The patent statute at 35 U.S.C. 41(c)(1) provides as follows:

"The Director may accept the payment of any maintenance fee required by subsection (b) of this section... at any time after the six-month grace period if the delay is shown to the satisfaction of the Director to have been unavoidable."

The statute's promulgating rule, 37 CFR 1.378(b), provides that any petition to accept the delayed payment of a maintenance fee must include the following:

- (1) the required maintenance fee set forth in 37 CFR 1.20(e) - (g);
- (2) the surcharge set forth in 37 CFR 1.20(i)(1); and
- (3) a showing that the delay was unavoidable since reasonable care was taken to ensure that the maintenance fee would be paid timely and that the petition was filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent. The required showing must enumerate the steps taken to ensure timely payment of the maintenance fee, the date and the manner in which patentee became aware of the expiration of the patent, and the steps taken to file the petition promptly.

Furthermore, an adequate showing requires a statement by all persons with direct knowledge of the cause of the delay, setting forth the facts as they know them. Such a statement must be verified if made by a person not registered to practice before the Patent and Trademark Office. Copies of all documentary evidence referred to in a statement should be furnished as exhibits to the statement.

Opinion

In the instant petition, patentee Ross J. Reed, asserts that the delay in payment of the 3 ½ year maintenance fee was unavoidable because patentee relied upon his attorney or someone else to contact him when the maintenance fee was due. Mr. Reed's unnamed attorney allegedly told Mr. Reed that he didn't know how or why Mr. Reed wasn't notified about the 3 ½ year maintenance fee due date.

As a preliminary matter: It is unclear as to whether or not Mr. Reed's attorney was informed of Mr. Reed's Tennessee address. Mr. Reed states his patent issued when he was residing in Naples, Florida. Mr. Reed states he moved to Tennessee in 2002. However, the patent issued on December 23, 2003, which is after the 2002 move to Tennessee. Presumably, Mr. Reed's attorney was informed of Mr. Reed's Tennessee address because he conveyed the Letters Patent to Mr. Reed. Nevertheless, patentee is requested to confirm that he at all times kept his attorney informed of a current address for him. Please provide documentary evidence that patentee informed his attorney of a change in address.

The showing of record is inadequate to establish unavoidable delay within the meaning of 37 CFR 1.378(b)(3).

Petitions for the delayed payment of maintenance fees under 35 U.S.C. 41(c)(1) are treated under the same standard as petitions for revival of abandoned applications under 35 U.S.C. 133 because both statutory provisions use the same language, i.e., “unavoidable” delay. Ray v. Leyman, 55 F.3d 606, 608-609, 34 USPQ2d 1786, 1787 (Fed. Cir. 1995) (quoting In re Patent No. 4,409,763, 7 USPQ2d 1798, 1800 (Comm’r Pat. 1988), aff’d, Rydeen v. Quigg, 748 F. Supp. 900, 16 USPQ2d 1876 (D.D.C. 1990), aff’d, 937 F.2d 623 (Fed. Cir. 1991) (table), cert. denied, 502 U.S. 1075 (1992)). Decisions on reviving abandoned applications have adopted the reasonably prudent person standard in determining if the delay was unavoidable as follows:

The word ‘unavoidable’is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.

In re Mattullath, 38 App. D.C. 497, 514-515 (1912) (quoting Ex parte Pratt, 1887 Dec. Comm’r Pat. 31, 32-33 (Comm’r Pat. 1887); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-168 (D.D.C. 1963), aff’d, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm’r Pat. 139, 141 (1913)). In addition, decisions on revival are made on a “case by case basis, taking all the facts and circumstances into account.” Smith v. Massinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). The requirement in 35 U.S.C. 133 for a showing of unavoidable delay requires not only a showing that the delay which resulted in the abandonment of the application was unavoidable (or expiration of the patent as it applies to 35 U.S.C. 41(c)(1)), but also a showing of unavoidable delay from the time an applicant becomes aware of the abandonment of the application until the filing of a petition to revive (or a petition under 37 CFR 1.378(b) to reinstate the patent under 35 U.S.C. 41(c)(1)). See In re Application of Takao, 17 USPQ2d 1155 (Comm’r Pat. 1990). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was “unavoidable.” Haines v. Quigg, 673 F. Supp. 314, 316-317, 5 USPQ2d 1130, 1131-1132 (N.D. Ind. 1987).

Petitioner states, “No one contacted me regarding [sic] a maintenance fee due, not even my attorney. ...”

35 U.S.C. 41(c) requires the payment of fees at specified intervals to maintain a patent in force, rather than some response to a specific action by the Office under 35 U.S.C. 133. Consequently, a reasonably prudent person in the exercise of due care and diligence will take steps to ensure the timely payment of maintenance fees. Ray, 55 F.3d at 609, 34 USPQ2d at 1788. Thus, it follows that an adequate showing of unavoidable delay in payment of a maintenance fee, within the

meaning of 35 U.S.C. 41(c) and 37 CFR 1.378(b)(3), requires a showing of the steps taken to ensure the timely payment of the maintenance fees for the patent. Id. Where the record fails to disclose that the patentee took reasonable steps, or discloses that the patentee took no steps, to ensure timely payment of the maintenance fee, 35 U.S.C. 41(c) and 37 CFR 1.378(b)(3) preclude acceptance of the delayed payment of the maintenance fee.

In view of the requirement to enumerate the steps taken to ensure timely payment of the maintenance fee, a patentee's lack of knowledge of the need to pay the maintenance fee and the failure to receive the Maintenance Fee Reminder do not constitute unavoidable delay. See Patent No. 4,409,763, supra; see also "Final Rules for Patent Maintenance Fees" 49 Fed. Reg. 34716, 34722-34723 (August 31, 1984), reprinted in 1046 Off. Gaz. Pat. Office 28, 34 (September 25, 1984). Under the statute and regulations, the Office has no duty to notify patentees of the requirement to pay maintenance fees or to notify patentees of the requirement to pay maintenance fees or to notify patentees when the maintenance fees are due. The Office's mailing of Maintenance Fee Reminders is carried out strictly as a courtesy. Accordingly, it is solely the responsibility of the patentee to assure that the maintenance fee is timely paid to prevent expiration of the patent. The lack of knowledge of the requirement to pay a maintenance fee and/or the failure to receive the Maintenance Fee Reminder will not shift the burden of monitoring the time for paying a maintenance fee from the patentee to the Office. Rydeen v. Quigg, 748 F. supp. at 900.

The record fails to show that patentee or his representative took adequate steps to ensure timely payment of the maintenance fee. In re Patent No. 4,461,759, 16 USPQ2d 1883, 1884 (Comm'r Pat. 1990).

Petitioner must demonstrate, via a documented showing, that despite reasonable care by the patentee and/or the patentee's attorney to implement reasonable steps to ensure the timely payment of the maintenance fee, the maintenance fee was nevertheless, unavoidably not paid.

It is incumbent upon petitioner to demonstrate, via a documented showing, that his representative had docketed this patent for the first maintenance fee payment in (a) reliable tracking system(s). It is clear from the petition that patentee was not monitoring the due date for the first maintenance fee payment.

The Office requires a statement from patentee's attorney describing the arrangement between patentee and himself with respect to maintenance fee payments. Was patentee's attorney tracking the maintenance fee due dates for the patent? Did patentee's attorney attempt to timely contact patentee regarding the maintenance fee due date? Please provide a copies of any letters sent.

Petitioner is advised that delay resulting from a failure in communication between a client and a registered practitioner is not unavoidable delay. In Re Kim, 12 U.S.P.Q.2d 1595 (Comm'r Pat. 1988). Delay resulting from a lack of proper communication between a patent holder and a registered representative as to who bore the responsibility for payment of a maintenance fee does not constitute unavoidable delay within the meaning of 35 U.S.C. 1.378(b). See Ray, at 610, 34 U.S.P.Q.2d at 1789.

The record fails to disclose that the patentee or patentee's representative took reasonable steps to ensure timely payment of the maintenance fee. The record indicates that no steps were taken by patentee to ensure timely payment of the 3 ½ year maintenance fee. Patentee's attorney has not provided a statement of facts describing his responsibilities and actions with respect to docketing and payment of maintenance fees for the patent.

In short, petitioner has not demonstrated, via a documented showing, that there was a reliable tracking system in place to monitor the due dates of maintenance fees and that a responsible party had docketed this patent in that system. Evidence should be submitted which demonstrates that despite reasonable care by the patentee and/or the patentee's agent to implement reasonable steps to ensure the timely payment of the maintenance fees, the maintenance fee was nevertheless, unavoidably not paid.

If petitioner does not wish to pursue reinstatement of this expired patent, petitioner may request a refund of the \$490.00 maintenance fee and the \$700.00 surcharge submitted with the petition. The request should be made in writing and addressed to: Mail Stop 16, Director of the U.S. Patent and Trademark Office, P. O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany petitioner's request.

Please keep in mind that if patentee wishes to pursue reinstatement, then the 7 ½ year maintenance fee of \$1,240.00 must be timely paid. It can be paid from December 23, 2010 to June 23, 2011, or from June 24, 2011 to December 23, 2011 with grace period surcharge of \$65.00, as well.

Further correspondence with respect to this matter should be addressed as follows:

- By mail:** Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450
- By hand:** U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314
- By FAX:** (571) 273-8300 - ATTN: Office of Petitions
- By internet:** EFS-Web
www.uspto.gov/ebs/efs_help.html
(for help using EFS-Web call the
Patent Electronic Business Center
at (866) 217-9197)

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3230

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

THOMAS C. PONTANI, ESQ.
COHEN, PONTANI, LIEBERMAN & PAVANE
551 FIFTH AVENUE, SUITE 1210
NEW YORK NY 10176

MAILED
JUN 22 2011
OFFICE OF PETITIONS

In re Application of
Johannes Martin et al.
Application No. 10/210,156
Filed: August 1, 2002
Attorney Docket No. 5150-20

ON PETITION

This is a decision regarding your request under 37 CFR 1.28. for acceptance of a fee deficiency submission and loss of small entity status filed June 16, 2011.

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission in the amount of \$720, under 37 CFR 1.28, is hereby accepted and the petition is **GRANTED**. Status as a small entity has also been removed.

Inquiries related to this communication should be directed to the Office of Petitions Staff at (571) 272-3282.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614**

MAILED

JUN 15 2011

OFFICE OF PETITIONS

In re Application of	:	
Michael A. Taylor	:	
Application No. 10/210,422	:	DECISION ON PETITION
Filed: July 30, 2002	:	TO WITHDRAW
Attorney Docket No. Prsmed.002C2	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 15, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Gregory Tse on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future communications from the Office will be directed to the assignee of the entire interest at the first copied address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Prismedical Corporation
GF Private Equity Group, LLC
175 Marcado Street, 201
Durango, CO 81301**



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/210,422	07/30/2002	Michael A. Taylor	PRSMED.002C2

CONFIRMATION NO. 7409

POWER OF ATTORNEY NOTICE



20995
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

Date Mailed: 06/15/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/15/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tsjohnson/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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ALEXANDRIA, VA 22313-1450
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DONALD R. SCHOONOVER
4211 ROLLING HILLS DRIVE
NIXA MO 65714-8771

MAILED

JAN 05 2011

In re Patent No. 7,630,757
Issue Date: 12/08/2009
Application No. 10/210,497
Filed: 08/01/2002
Attorney Docket No. 99OS1001-2

OFFICE OF PETITIONS

ON PETITION

This is a decision on the REQUEST FOR CERTIFICATE OF CORRECTION UNDER 37 CFR 3.81(b) filed May 14, 2010.

Patentees request correction of the front page of the Letters Patent to include the correct assignee data via Certificate of Correction. With the present request, patentees submitted a completed Certificate of Correction form and paid the requisite fees. Furthermore, it is noted that the assignment was recorded with the USPTO prior to the issuance of the patent.

In view of the above, the request under 37 CFR 3.81(b) to correct the assignee data is GRANTED.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3211. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction as to the assignment information.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Patent No. 7063647 :
Issue Date: June 20, 2006 :
Application No. 10210507 :DECISION GRANTING PETITION
Filed: August 1, 2002 :UNDER 37 CFR 1.378(c)
Attorney Docket No. 2678.01US03 :

This is a decision on the electronic petition, filed December 3, 2010, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of December 3, 2010. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
7063647	2006-06-20	10210507	2002-08-01	67086-099 PUS2

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|---------------------------------|-----|--------|
| <input type="radio"/> 3 ½ year | | (1551) |
| <input type="radio"/> 7 ½ year | | (1552) |
| <input type="radio"/> 11 ½ year | | (1553) |

Small Entity

- | | Fee | Code |
|---|-----|--------|
| <input checked="" type="radio"/> 3 ½ year | | (2551) |
| <input type="radio"/> 7 ½ year | | (2552) |
| <input type="radio"/> 11 ½ year | | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/David L. Wisz/	Date (YYYY-MM-DD)	2010-12-03
Name	David L. Wisz	Registration Number	46350
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : April 20, 2011

TO SPE OF : ART UNIT 2477 SPE Chirag G. Shah

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/211,002 Patent No.: 7,907,607 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square Building
2800 South Randolph Street
Arlington, VA 22206**

Should the claim changes be approved as requested by applicant?

See COCIN dated 04-12-2011

Antonio Johnson

Certificates of Correction Branch

(571)272-0483 Fax – (571)270-9846

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes do not apply.

☐ **Denied**

State the reasons for denial below.

Comments: All the changes are approved.

SPE /Chirag Shah/ Art Unit 2477

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
7,105,174	2006-09-12	10211035	2002-08-02	35117-736.501

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|---------------------------------|-----|--------|
| <input type="radio"/> 3 ½ year | | (1551) |
| <input type="radio"/> 7 ½ year | | (1552) |
| <input type="radio"/> 11 ½ year | | (1553) |

Small Entity

- | | Fee | Code |
|---|-----|--------|
| <input checked="" type="radio"/> 3 ½ year | | (2551) |
| <input type="radio"/> 7 ½ year | | (2552) |
| <input type="radio"/> 11 ½ year | | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

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PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

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I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/Matthew V. Grumbling/	Date (YYYY-MM-DD)	2010-11-09
Name	Matthew V. Grumbling	Registration Number	44427
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Patent No. 7105174 :
Issue Date: September 12, 2006 :
Application No. 10211035 :DECISION GRANTING PETITION
Filed: August 2, 2002 :UNDER 37 CFR 1.378(c)
Attorney Docket No. 206200-38 :

This is a decision on the electronic petition, filed November 9, 2010, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of November 9, 2010. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Donald C. Erickson
Energy Concepts Co.
627 Ridgely Ave.
Annapolis MD 21401

MAILED

APR 09 2012

OFFICE OF PETITIONS

In re Patent No. 6,379,083 :
Issued: January 20, 2004 :
Application No. 10/211,137 : **DECISION DISMISSING PETITION**
Attorney Docket No. OST SORBER :

This is a decision on the petition under 37 CFR 1.378(b) filed March 12, 2012.

The petition is **dismissed**.

A review of the petition document reveals that it is signed by Donald C. Eriskson who is not noted as neither an inventor, registered attorney of record, or assignee empowered under 37 CFR 3.73(b). It is noted that 37 CFR 1.33(b) provides, that:

(b) *Amendments and other papers.* Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:

(1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);

(2) A registered attorney or agent not of record who acts in a representative capacity under the provisions of § 1.34;

(3) An assignee as provided for under § 3.71(b) of this chapter; or

(4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

The petition is dismissed because it is not signed by an appropriate part, i.e., a registered patent agent, or an assignee for the application empowered under 37 CFR 3.73(b). The renewed petition must be executed by one of the parties cited above.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

DONN K. HARMS
PATENT & TRADEMARK LAW CENTER
SUITE 100
12702 VIA CORTINA
DEL MAR CA 92014

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OFFICE OF PETITIONS

In re Application of :
David CASTILLEJOS : ON PETITION
Application No. 10/211,197 :
Filed: August 2, 2002 :
Atty. Docket No.: 2632-PAT :

This is a decision on the petition under 37 CFR 1.137(b), filed October 21, 2011, to revive the above-identified application.

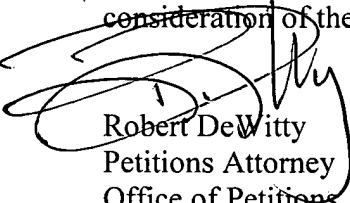
The petition is **GRANTED**.

The application became abandoned for failure to respond in a timely manner to the final Office action mailed January 16, 2009 (Office action), which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. The application became abandoned April 17, 2009. A Notice of Abandonment was mailed October 15, 2009.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of a Request for Continued Examination (RCE) and RCE fee, and the submission required under 37 CFR 1.114, (2) a petition fee of \$930, and (3) a statement of unintentional delay. The reply to the Office action is accepted as having been unintentionally delayed.

Telephone inquiries relating to this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

The application will be referred to Technology Center Art Unit 3774 for further consideration of the submission under 37 CFR 1.114.


Robert DeWitty
Petitions Attorney
Office of Petitions

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6988184	2006-01-17	10211387	2002-08-02	42P14031D

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|----------------------------------|-----------|--------|
| <input checked="" type="radio"/> | 3 ½ year | (1551) |
| <input type="radio"/> | 7 ½ year | (1552) |
| <input type="radio"/> | 11 ½ year | (1553) |

Small Entity

- | | Fee | Code |
|-----------------------|-----------|--------|
| <input type="radio"/> | 3 ½ year | (2551) |
| <input type="radio"/> | 7 ½ year | (2552) |
| <input type="radio"/> | 11 ½ year | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/Kendal M. Sheets/	Date (YYYY-MM-DD)	2010-10-13
Name	Kendal M. Sheets	Registration Number	47077
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

Privacy Act Statement

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The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Patent No. 6988184
Issue Date: January 17, 2006
Application No. 10211387
Filed: August 2, 2002
Attorney Docket No. 42P14031D

:

:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)

:

This is a decision on the electronic petition, filed October 14, 2010, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of October 14, 2010. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.



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COLLARD & ROE PC
1077 NORTHERN BOULEVARD
ROSLYN NY 11576

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OFFICE OF PETITIONS

In re
Mobs, et al.
Application No. 10/211,482
Filed: August 2, 2002
Patent No. 6,789,945
Issued: September 14, 2004
Attorney Docket No. MOBS ET AL

DECISION

This is a decision on the fee deficiency submission under 37 CFR 1.28(c), filed September 23, 2011.

The fee deficiency submission under 37 CFR 1.28 of \$2080 is hereby accepted.

The change of status to large entity has been entered.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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In re Patent No. 6927194 :
Issue Date: August 9, 2005 :
Application No. 10211958 :DECISION GRANTING PETITION
Filed: August 1, 2002 :UNDER 37 CFR 1.378(c)
Attorney Docket No. 23267/22 :

This is a decision on the electronic petition, filed August 9, 2011, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of August 9, 2011. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

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PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6927194	2005-08-09	10211958	2002-08-01	

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|---------------------------------|-----|--------|
| <input type="radio"/> 3 ½ year | | (1551) |
| <input type="radio"/> 7 ½ year | | (1552) |
| <input type="radio"/> 11 ½ year | | (1553) |

Small Entity

- | | Fee | Code |
|---|-----|--------|
| <input checked="" type="radio"/> 3 ½ year | | (2551) |
| <input type="radio"/> 7 ½ year | | (2552) |
| <input type="radio"/> 11 ½ year | | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

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Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/J M GILBRETH/	Date (YYYY-MM-DD)	2011-08-09
Name	J M GILBRETH	Registration Number	33388
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

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5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6932158	2005-08-23	10211959	2002-08-01	

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|---------------------------------|-----|--------|
| <input type="radio"/> 3 ½ year | | (1551) |
| <input type="radio"/> 7 ½ year | | (1552) |
| <input type="radio"/> 11 ½ year | | (1553) |

Small Entity

- | | Fee | Code |
|---|-----|--------|
| <input checked="" type="radio"/> 3 ½ year | | (2551) |
| <input type="radio"/> 7 ½ year | | (2552) |
| <input type="radio"/> 11 ½ year | | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/ J M GILBRETH/	Date (YYYY-MM-DD)	2011-08-23
Name	J M GILBRETH	Registration Number	33388
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Patent No. 6932158 :
Issue Date: August 23, 2005 :
Application No. 10211959 :DECISION GRANTING PETITION
Filed: August 1, 2002 :UNDER 37 CFR 1.378(c)
Attorney Docket No. 23267/24 :

This is a decision on the electronic petition, filed August 23, 2011, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of August 23, 2011. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6997261	2006-02-14	10211982	2002-08-01	

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|---------------------------------|-----|--------|
| <input type="radio"/> 3 ½ year | | (1551) |
| <input type="radio"/> 7 ½ year | | (1552) |
| <input type="radio"/> 11 ½ year | | (1553) |

Small Entity

- | | Fee | Code |
|---|-----|--------|
| <input checked="" type="radio"/> 3 ½ year | | (2551) |
| <input type="radio"/> 7 ½ year | | (2552) |
| <input type="radio"/> 11 ½ year | | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/ J M GILBRETH/	Date (YYYY-MM-DD)	2011-08-23
Name	J M GILBRETH	Registration Number	33388
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

Privacy Act Statement

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The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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In re Patent No. 6997261 :
Issue Date: February 14, 2006 :
Application No. 10211982 :DECISION GRANTING PETITION
Filed: August 1, 2002 :UNDER 37 CFR 1.378(c)
Attorney Docket No. 23267/20 :

This is a decision on the electronic petition, filed August 23, 2011, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of August 23, 2011. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.



UNITED STATES PATENT AND TRADEMARK OFFICE

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BAKER & HOSTETLER LLP
WASHINGTON SQUARE, SUITE 1100
1050 CONNECTICUT AVE. N.W.
WASHINGTON, DC 20036-5304

MAILED
OCT 04 2010
OFFICE OF PETITIONS

Patent No. 7,069,643
Application No. 10/212,094
Filed: August 6, 2002
Issued: July 4, 2006
Attorney Docket No. 87345.2380

ON PETITION

This is a decision on the petition under 37 CFR 1.378(c), filed August 25, 2010, to accept the unintentionally delayed payment of a maintenance fee for the above-identified patent.

The petition is **GRANTED**.

This patent expired on July 5, 2010 for failure to pay the 3 ½ maintenance fee. Since this petition was submitted within twenty-four months after the six-month grace period provided in 37 CFR 1.362(e), the petition was timely filed under the provisions of 37 CFR 1.378(c).

The maintenance fee is hereby accepted and the above-identified patent is reinstated as of the mail date of this decision.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059.

Alicia Kelley
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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RYAN KROMHOLZ & MANION, S.C.
POST OFFICE BOX 26618
MILWAUKEE WI 53226

MAILED

NOV 23 2011

OFFICE OF PETITIONS

In re Patent No. 6,783,523	:	
Issue Date: 08/31/2004	:	
Application No. 10/212,311	:	DECISION ON PETITION
Filed: 08/05/2002	:	
Attorney Docket No. 9222.16399-D- CIP	:	
CON	:	

This is in response to the communication submitted on October 21, 2008, which is being treated as a petition under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the maintenance fee for the above-identified patent.

The petition is **granted**.

The patent issued August 31, 2004. The grace period for paying the maintenance fee expired on September 1, 2008.

This petition was filed timely under the provisions of 37 CFR 1.378(c) because it was filed within twenty-four months after the six-month grace period provided in 37 CFR 1.362(e). Accordingly, the maintenance fee in this case is accepted and the above-identified patent is hereby reinstated as of the mail date of this decision.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007**

MAILED

APR 08 2011

OFFICE OF PETITIONS

In re Patent No. 7,247,429 :
Issue Date: July 24, 2007 :
Application No. 10/212,732 : **NOTICE**
Filed: August 7, 2002 :
Attorney Docket No. 078883-0154 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to Diane Goodwyn at (571) 272-6735.

Thurman K. Page
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON MA 02205

MAILED

AUG 09 2011

OFFICE OF PETITIONS

In re Application of
Hank Roth et al.
Application No. 10/212,976
Filed: August 5, 2002
Attorney Docket No
86375DIV(308092)

NOTICE

This is a notice regarding your request filed July 21, 2011, for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

MAILED
MAR 28 2011
OFFICE OF PETITIONS

THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI OH 45202

In re Application of :
Gary Robert KELM et al. : **DECISION GRANTING PETITION**
Application No. 10/214,009 : **UNDER 37 CFR 1.137(b)**
Filed: August 7, 2002 :
Atty. Docket No.: 9012 :

This is a decision on the petition under 37 CFR 1.137(b), filed January 14, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file an appeal brief (and appeal brief fee) following the filing of an appeal on April 26, 2010. The application thus became abandoned on June 27, 2010. A Notice of Abandonment was mailed December 22, 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the appropriate reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a Statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d).

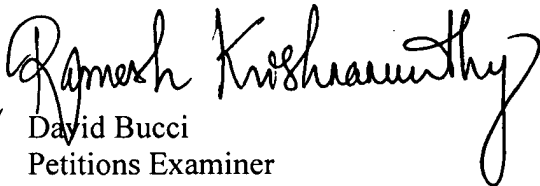
The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) an appeal brief (and appeal brief fee) in support of the previously filed Appeal (April 26, 2010); (2) a petition fee of \$1620; and (3) a Statement of unintentional delay. The appeal brief is accepted as having been unintentionally delayed.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$2350 extension of time submitted with the

petition on January 14, 2011 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

General inquiries relating to this decision should be directed to Robert DeWitty, Petitions Examiner, Office of Petitions (571-272-8427).

The application file will be referred to Technology Center Art Unit 1627 for further action on the filed Response.

for 
David Bucci
Petitions Examiner
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
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MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

MAILED

AUG 10 2010

In re Application of	:	OFFICE OF PETITIONS
Benveniste et al.	:	
Application No. 10/214,171	:	ON PETITION
Filed: August 8, 2002	:	
Attorney Docket No. YOR920010324US1	:	

This is a decision on the petition, filed July 19, 2010, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

The above-identified application was held abandoned because the period for seeking court review of the decision by the Board of Patent Appeals and Interferences mailed May 26, 2010 had expired. A Notice of Abandonment was mailed June 17, 2010.

Petitioner asserts that the Notice of Abandonment mailed June 17, 2010, be withdrawn as it was premature.

MPEP 1214.06 states: The time for seeking review of a decision of the Board by the Court of Appeals for the Federal Circuit or the U.S. District Court for the District of Columbia is the same for both tribunals, that is, 2 months.

As the examiner did not follow the provisions of MPEP 1214.06, the Notice of Abandonment mailed June 17, 2010, is hereby withdrawn as premature.

The application is being referred to the Technology Center AU 2181 for further processing in accordance with the RCE and Amendment under 37 CFR 1.114 submitted July 19, 2010.

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059.


Carl Friedman
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

THEODORE M. SIRKIN
23262 OXNARD STREET
WOODLAND HILLS CA 91367

MAILED

SEP 01 2010

OFFICE OF PETITIONS

In re Application of

Theodore M. Sirkin

Application No. 10/215,079

Filed: August 7, 2002

Attorney Docket No.

:

:

:

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed April 21, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the final Office action mailed September 12, 2008, which set a shortened statutory period for reply of three (3) months from its mailing date. No extension of time pursuant to 37 CFR 1.136(a) was obtained within the allowable period. Accordingly, the application became abandoned on December 13, 2008. A Notice of Abandonment was mailed on July 8, 2009.

Examiner Hwu has determined that the amendment filed April 21, 2010, places the application in condition for allowance.

The above-identified application has been abandoned for an extended period of time. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting the statement that the entire delay in filing the required reply form the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178; 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109) (applicant obligated under 37 CFR 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 CFR 1.137(b) to the Patent and Trademark Office.

The application is being forwarded to Technology Center 3700, GAU 3752 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DNW Aug-10

DEWEY & LEBOEUF LLP
1101 NEW YORK AVENUE, NW
WASHINGTON DC 20005

MAILED

AUG 09 2010

In re Patent No. 6,916,679 :
Issue Date: 12 July, 2005 :
Application Number: 10/215,190 :
Filing Date: 9 August, 2002 :
Attorney Docket No.: 781339.682899.001000 :

OFFICE OF PETITIONS
ON PETITION

This is a decision on the petition filed on 5 April, 2010, and properly treated as a petition pursuant to 37 C.F.R. §1.377¹ to accept and record a maintenance fee for the above-identified patent.

The petition is **DISMISSED**.

Petitioner has failed to satisfy the showing requirements set forth in the regulations at 37 C.F.R. §1.377. (See generally: the guidance in the Commentary at MPEP §2580.²)

¹ The regulations at 37 C.F.R. §1.377 provide:

§ 1.377 Review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of patent.

- (a) Any patentee who is dissatisfied with the refusal of the Patent and Trademark Office to accept and record a maintenance fee which was filed prior to the expiration of the patent may petition the Director to accept and record the maintenance fee.
- (b) Any petition under this section must be filed within two months of the action complained of, or within such other time as may be set in the action complained of, and must be accompanied by the fee set forth in § 1.17(g). The petition may include a request that the petition fee be refunded if the refusal to accept and record the maintenance fee is determined to result from an error by the Patent and Trademark Office.
- (c) Any petition filed under this section must comply with the requirements of §1.181(b) and must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest.
- [49 FR 34725, Aug. 31, 1984, added effective Nov. 1, 1984; para. (c) revised, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; para. (a) revised, 68 FR 14332, Mar. 25, 2003, effective May 1, 2003; para. (b) revised, 69 FR 56481, Sept. 21, 2004, effective Nov. 22, 2004]

² The guidance in the Commentary at MPEP §2580 provides in pertinent part:

2580 Review of Decision Refusing to Accept and Record Payment of a Maintenance Fee Filed Prior to Expiration of Patent [R-5]

37 C.F.R. §1.377 provides a mechanism for review of a decision refusing to accept and record payment of a maintenance fee filed prior to the expiration of a patent. 37 C.F.R. §1.377(a) permits a patentee who is dissatisfied with the refusal of the Office to accept and record a maintenance fee which was filed prior to the expiration of the patent to petition the Director to accept and record the maintenance fee. This petition may be used, for example, in situations where an error is present in the identifying data required by 37 C.F.R. §1.366(c) with the maintenance fee payment, i.e., either the patent number or the application number is incorrect. See MPEP §2515 and §2530. A petition under 37 C.F.R. §1.377 would not be appropriate where there is a complete failure to include at least one correct mandatory identifier as required by 37 C.F.R. §1.366(c) for the patent since no evidence would be present as to the patent on which the maintenance fee was intended to be paid. If the

Patent No. 6,916,679
Application Number: 10/215,190

It is noted that, following the filing of the instant petition pursuant to 37 C.F.R. §1.377, Petitioner subsequently filed a petition pursuant to 37 C.F.R. §1.378(c).

BACKGROUND

The instant patent issued on 12 July, 2005. The first maintenance fee could have been paid without a surcharge from 12 July, 2008, through 12 January, 2009, and with surcharge from 13 January, 2009, through Monday, 13 July, 2009. (Thereafter the first maintenance fee may be paid (with the surcharge for acceptance) as unintentionally delayed pursuant to 37 C.F.R. §1.378(c) from Tuesday, 14 July, 2009, for twenty four (24) months following expiration.)

On 17 September, 2009, Petitioner submitted, *inter alia*, a petition (with fee) pursuant to 37 C.F.R. §1.377. Petitioner averred that an attempt was made to pay the first maintenance fee, and that the fee (in the form of an authorization to charge Deposit Account 04-0952 (see copy of fee submission) in the amount of \$980.00 was mailed to the Office on 30 December, 2008, to the Maintenance Fee Office, Alexandria, Virginia. Petitioner averred receipt of a Notice of patent expiration mailed on 10 August, 2009. Petitioner submitted no copy of the date-stamped receipt card to evidence Office receipt of the materials averred to have been submitted. The petition was dismissed on 22 March, 2010.

On 5 April, 2010, Petitioner re-advanced the petition pursuant to 37 C.F.R. §1.377, but again Petitioner was unable to present documentary support (e.g., in the form of a date-stamped receipt card) to evidence Office receipt of the maintenance fee payment tendered, and the additional showing (statement) in support was insufficient to carry Petitioner's burden herein. (As noted above, Petitioner submitted a petition and fee authorization pursuant to the regulations at 37 C.F.R. §1.378(c) in his effort to resolve this matter.)

maintenance fee payment with an incorrect mandatory identifier was made near the end of the grace period, the patent might expire since the Office would not credit the fee to the patent. A petition under 37 C.F.R. §1.377 would not be appropriate where the patentee paid a maintenance fee on one patent when the patentee intended to pay the maintenance fee on a different patent but through error identified the wrong patent number and application number. Likewise, a petition under 37 C.F.R. §1.377 would not be appropriate where the entire maintenance fee payment, including any necessary surcharge, was not filed prior to expiration of the patent.

Any petition filed under 37 C.F.R. §1.377 must be filed within 2 months of the action complained of, or within such other time as may be set in the action complained of. The petition must be accompanied by the proper petition fee >(37 C.F.R. §1.17(g))<. The petition may include a request that the petition fee be refunded if the refusal to accept and record the maintenance fee is determined to have resulted from an error by the Office.

Any petition filed under 37 C.F.R. §1.377 must comply with the requirements of 37 C.F.R. §1.181(b) and must be signed by an attorney or agent registered to practice before the Office, or by the patentee, the assignee, or other party in interest. A person or organization whose only responsibility insofar as the patent is concerned is the payment of a maintenance fee is not a party in interest for purposes 37 C.F.R. §1.377. If the petition is signed by a person not registered to practice before the Office, the petition must indicate whether the person signing the petition is the patentee, assignee, or other party in interest. An assignee must comply with the requirements of 37 C.F.R. §3.73(b) which is discussed in MPEP §324.

Patent No. 6,916,679

Application Number: 10/215,190

Thus, as of this writing Petitioner has failed to carry his burden under the Rule.³

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.⁴

CONCLUSION

The petition pursuant to 37 C.F.R. §1.377 is **dismissed**.

The subsequently-filed petition pursuant to 37 C.F.R. §1.378(c) will be addressed.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2⁵) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr /
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

³ The regulations at 37 C.F.R. §1.377.

⁴ See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

⁵ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



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D1W Aug-10

DEWEY & LEBOEUF LLP
1101 NEW YORK AVENUE, NW
WASHINGTON DC 20005

MAILED

AUG 09 2010

In re Patent No. 6,916,679	:	OFFICE OF PETITIONS
Issue Date: 12 July, 2005	:	
Application Number: 10/215,190	:	
Filing Date: 9 August, 2002	:	ON PETITION
Attorney Docket No.: 781339.682899.001000	:	

This is a decision on the petition filed on 17 May, 2010, properly treated as a petition pursuant to 37 C.F.R. §1.378(c) to accept the unintentionally delayed payment of a maintenance fee for the above-identified patent.

BACKGROUND

Patent No. 6,916,679 (the '679 patent) issued on 12 July, 2005. The first maintenance fee could have been paid without a surcharge from 12 July, 2008, through 12 January, 2009, and with surcharge from 13 January, 2009, through Monday, 13 July, 2009. Accordingly, the patent expired after midnight 12 July, 2009, for failure to pay timely the first maintenance fee.¹

The instant petition was filed on 17 May, 2010. Because the petition was submitted within twenty-four months after the six-month grace period provided in 37 C.F.R. §1.362(e), the petition was timely filed under the provisions of 37 C.F.R. §1.378(c).

The petition pursuant to 37 C.F.R. §1.378(c) is **GRANTED**.

¹ On 17 September, 2009, Petitioner submitted, *inter alia*, a petition (with fee) pursuant to 37 C.F.R. §1.377. Petitioner averred that an attempt was made to pay the first maintenance fee, and that the fee (in the form of an authorization to charge Deposit Account 04-0952 (see copy of fee submission) in the amount of \$980.00 was mailed to the Office on 30 December, 2008, to the Maintenance Fee Office, Alexandria, Virginia. Petitioner averred receipt of a Notice of patent expiration mailed on 10 August, 2009. Petitioner submitted no copy of the date-stamped receipt card to evidence Office receipt of the materials averred to have been submitted. The petition was dismissed on 22 March, 2010.

On 5 April, 2010, Petitioner re-advanced the petition pursuant to 37 C.F.R. §1.377, but again Petitioner was unable to present documentary support (e.g., in the form of a date-stamped receipt card) to evidence Office receipt of the maintenance fee payment tendered, and the additional showing (statement) in support was insufficient to carry Petitioner's burden.

Patent No. 6,916,679
Application Number: 10/215,190

The maintenance fee is hereby accepted—the appropriate fees were submitted *via* credit card—and the above-identified patent is reinstated as of the mail date of this decision.

The patent file is being returned to IFW Files Repository.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2²) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

² The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



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FEB 28 2011

OFFICE OF PETITIONS

**Butzel Long
110 W. Michigan Avenue
Suite 1100
Lansing MI 48933**

In re Application:	:	
Gordon Prindle	:	
Application No. 10/215,339	:	NOTICE
Filed: August 8, 2002	:	
Attorney Docket No. IDEAL 4. 1-17	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed January 10, 2011. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See **DH Technology v. Synergystex International, Inc.** 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby accepted. The petition is **GRANTED.**

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

This file is being forwarded to the Office of Publications.

Telephone inquiries related to this decision should be directed to the Kimberly Inabinet at (571) 272-4618.

/Kimberly Inabinet/
Kimberly Inabinet
Petitions Examiner
Office of Petitions



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United States Patent and Trademark Office
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MCANDREWS HELD & MALLOY LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO IL 60661

MAILED

SEP 27 2010

OFFICE OF PETITIONS

In re Application of	:
Walls, et al.	:
Application No. 10/215,540	:
Filed: August 9, 2002	:
Attorney Docket Number: 13736US01	:
	: ON REQUEST FOR
	: RECONSIDERATION OF
	: PATENT TERM ADJUSTMENT

This is a decision on the petition under 37 CFR 1.705(b), filed July 29, 2010. Applicants believe that they should be accorded additional PTA of 306 days. Applicants request this correction solely on the basis that the Office will take in excess of three years to issue this patent.

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment solely as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.


Rather than file a request for reconsideration of patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicants are advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee¹.

In view thereof, the correct determination of PTA prior to issuance is **one thousand one hundred fifty-two (1152) days** (1183 days of PTO delay, reduced by 31 days of Applicant delay).

Receipt of the \$200.00 fee set forth in 37 CFR 1.18(e) is acknowledged.

The application is being forwarded to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to Petitions Attorney Cliff Congo at (571) 272-3207.


Anthony Knight
Director
Office of Petitions

¹ For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.



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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/215,600	08/09/2002	David Elmaleh	62009DIV(51588)	9851

71284 7590 09/28/2011
EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON, MA 02205

EXAMINER

CHENG, JACQUELINE

ART UNIT	PAPER NUMBER
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3768

MAIL DATE	DELIVERY MODE
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09/28/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON MA 02205

In re Patent No. ELMALEH ET AL.

Issue Date: October 5, 2010

Appl No.: 10/215,600

Filed: August 09, 2002

For: DEVICES FOR DETECTION AND THERAPY OF
ATHEROMATOUS PLAQUE

:
: **DECISION GRANTING**
: **PETITION**
: **37 CFR 1.324**
:
:
:
:

This is a decision on the petition filed April 26, 2011 to correct inventorship under 37 CFR 1.324.

A petition to correct inventorship as provided by 37 CFR 1.324 requires (1) a statement from each person who is being added as an inventor that the inventorship error occurred without any deceptive intention on their part, (2) a statement from the current named inventors (including any "inventor" being deleted) who have not submitted a statement as per "(1)" either agreeing to the change of inventorship or stating that they have no disagreement in regard to the requested change, (3) a statement from all assignees of the parties submitting a statement under "(1)" and "(2)" agreeing to the change of inventorship in the patent; such statement must comply with the requirements of 37 CFR 3.73(b); and (4) the fee set forth in 37 CFR 1.20(b).

The petition is granted.

The patented file is being forwarded to Certificate of Corrections Branch for issuance of a certificate naming only the actual inventor or inventors.

/Tse Chen/_____
Tse Chen
Supervisory Patent Examiner
Art Unit 3777
Technology Center 3700



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DATE: September 27, 2011
TO: Certificates of Correction Branch
FROM: Tse Chen
SPE, Art Unit 3777
SUBJECT: REQUEST FOR CERTIFICATE OF CORRECTION

Please issue a Certificate of Correction in U. S. Letters Patent No. 7809428 as specified on the attached Certificate.

/Tse Chen/_____
Tse Chen, SPE
Art Unit 3777

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE

Patent No. 7809428

Patented: October 5, 2010

On petition requesting issuance of a certificate for correction of inventorship pursuant to 35 U.S.C. 256, it has been found that the above identified patent, through error and without deceptive intent, improperly sets forth the inventorship. Accordingly, it is hereby certified that the correct inventorship of this patent is:

David Elmaleh, Boston, MA;
Farhad Daghighian, Los Angeles, CA;
Ahmed Tawakol, Wayland, MA

/Tse Chen/_____
Tse Chen
Supervisory Patent Examiner
Art Unit 3777



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BROWN RUDNICK LLP
ONE FINANCIAL CENTER
BOSTON MA 02111

MAILED

FEB 13 2012

OFFICE OF PETITIONS

In re Patent No. 7,042,902
Issue Date: May 9, 2006
Application No. 10/215,806
Filed: August 8, 2002
Attorney Docket No. **23946/4**

ON PETITION

This is a decision on the petition under 37 CFR 1.378(c), filed January 23, 2012, to accept the delayed payment of a maintenance fee for the above-identified patent.

This patent expired at midnight May 9, 2010, for failure to pay the 3½ year maintenance fee. Since this petition was submitted within twenty-four months after the six-month grace period provided in 37 CFR 1.362(e), the petition was timely filed under the provisions of 37 CFR 1.378(c).


The petition is hereby **GRANTED**.

The maintenance fee is hereby accepted and the above-identified patent is reinstated as of the mail date of this decision.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Petitioner also will not receive future correspondence related to maintenance fees for the patent unless a "Fee Address" Indication Form (see PTO/SB/47) and Request for Customer Number (see PTO/SB/125) are submitted.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.



JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Roy L. Salomons
63-95 Austin Street, Apt. 4J
Forest Hills, NY 11374



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FULWIDER PATTON LLP
6060 CENTER DRIVE
10TH FLOOR
LOS ANGELES CA 90045

MAILED

OCT 14 2010

OFFICE OF PETITIONS

In re Application of	:	
CALOGER, PETER	:	
Application No. 10/217,203	:	DECISION ON PETITION
Filed: 08/12/2002	:	
Attorney Docket No. CALOP.52176	:	

This is a decision on the petition under 37 CFR 1.181, filed June 9, 2005, requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to respond in a timely and proper manner to the Restriction Requirement of November 19, 2003, which set a one-month shortened statutory period for reply. A Notice of Abandonment was mailed on May 25, 2005.

Petitioners asserted that they submitted a timely reply to the Restriction Requirement. To support this assertion, petitioners submitted a copy of a date-stamped return receipt postcard, acknowledging receipt of a Response To Restriction Requirement in the USPTO on November 28, 2003.

The reply, which the USPTO acknowledged as received on November 28, 2003, is not of record in the application file and has not been located to date. However, MPEP 503 states "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO." Accordingly, it is concluded that the reply was timely received in the USPTO but lost after receipt thereof.

In view of the above, the holding of abandonment is hereby withdrawn and the application restored to pending status.

The Office will accept the copy of the reply supplied with the petition in place of that shown to have been received in the USPTO on November 28, 2003.

This application is being referred to Technology Center AU 3723 for appropriate action on the reply received with petition.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3211.

A handwritten signature in black ink, reading "C. T. Donnell". The signature is written in a cursive, flowing style.

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



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AUG 16 2010

OFFICE OF PETITIONS

**HARNESSE, DICKEY & PIERCE, PLLC
P.O. BOX 828
BLOOMFIELD HILLS MI 48303**

In re Application of	:	
Akinler et al	:	
Application No. 10/217,229	:	DECISION ON PETITION
Filed: August 12, 2002	:	
Attorney Docket No. 9432-000200	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 6, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The Office regrets the delay in replying to the above matter.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an Application Data Sheet (ADS); (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowability mailed July 17, 2008, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to the Office of Data Management to be processed into a patent.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 06/08/10

TO SPE OF : ART UNIT 3761

SUBJECT : Request for Certificate of Correction for Appl. No.: 10217794 Patent No.: 7589249

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (C of C)
Randolph Square 9D40-D
Palm Location 7580**

You can fax the Directors/SPE response to 571-270-9990

Lamonto Newsome

Certificates of Correction Branch

703-756-1574

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

X Approved

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not apply.**

☐ **Denied**

State the reasons for denial below.

Comments: _____

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

/Tatyana Zalukaeva/

**SPE
3761**

Art Unit



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COMMISSIONER FOR PATENTS
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DEC 13 2010

OFFICE OF PETITIONS

MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO IL 60661

In re Patent No. 7,755,641	:	DECISION ON APPLICATION FOR
Issued: July 13, 2010	:	PATENT TERM ADJUSTMENT
Application No. 10/217,973	:	
Filing or 371(c) Date: August 13, 2002	:	
Dkt. No.: 13760US01	:	

This is a decision on the application for patent term adjustment under 37 CFR 1.705(d) filed on September 13, 2010 requesting an increase in patent term adjustment from 1752 days to 1782 days.

The petition for reconsideration of the patent term adjustment of 1,752 days is **DISMISSED**.

The above-identified application matured into U.S. Patent No. 7,755,641 on July 13, 2010. The patent issued with a patent term adjustment of 1,752 days. The instant application for patent term adjustment was timely filed September 13, 2010. Patentees contest the adjustment accorded the patent pursuant to 37 CFR 1.703(b).

Patentees assert entitlement to 1,257 days pursuant to 37 CFR 1.702(a).

Patentees assert entitlement to 1,178 days pursuant to 37 CFR 1.702(b) (1,210 days minus 32 days consumed by appeal).

Patentees assert an applicant delay of 126 days.

37 CFR 1.702(b)

Patentees assert that the period of adjustment pursuant to 37 CFR 1.702(b) is 1,178 days (1,210 days under 37 CFR 1.702(b) less 32 days for time consumed by appeal).

37 CFR 1.703(b)(4) states:

“The period of adjustment under § 1.702(b) is the number of days, if any, in the period beginning on the day after the date that is three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application and ending on the date a patent was

issued, but not including the sum of the following periods: (4) The number of days, if any, in the period beginning on the date on which a notice of appeal to the Board of Patent Appeals and Interferences was filed under 35 U.S.C. 134 and § 41.31 of this title and ending on the date of the last decision by the Board of Patent Appeals and Interferences or by a Federal court in an appeal under 35 U.S.C. 141 or a civil action under 35 U.S.C. 145, or on the date of mailing of either an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever occurs first, if the appeal did not result in a decision by the Board of Patent Appeals and Interferences.”

In this instance, the period of adjustment pursuant to 37 CFR 1.702(b) is 1,127 days (1,209 days from August 14, 2005 to December 4, 2008, the day before the date that the RCE was filed, less 82 days for time consumed by appeal from January 11, 2008 to April 1, 2008).

OVERLAP

Patentees assert an overlap of 527 days. The actual overlap between the periods of adjustment under 37 CFR 1.702(a) and 1.702(b) is 505 days, from November 4, 2005 to January 22, 2007 and from February 2, 2008 to April 1, 2008.

37 CFR 1.704

Patentees contest the reduction of one day assessed in connection with the reply filed April 23, 2007.

Patentees are advised that any request for reconsideration under 37 CFR 1.705(d) that raises issues that were raised, or could have been raised, in an application for patent term adjustment under 37 CFR 1.705(b) shall be dismissed as untimely as to those issues. As the one day reduction contested by patentees could have been raised under 37 CFR 1.705(b), patentees' request for reconsideration of said reduction is dismissed as untimely.

As patentee has not been granted any relief, no adjustment to the patent term will be made.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3205.

/ALEZIA M. BROWN/

Alesia M. Brown
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

2-1-2011

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Patent No : 7,311,914 B2
Ser. No. : 10/218,095
Inventor(s) : Yi Zhang, et. al.
Issued : December 25, 2007

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing *incorrect or erroneous* assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 (*see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481*). This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

- A. the processing fee set forth in 37 CFR 1.17(i) (currently \$130);
- B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
- C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, , no additional fee is required.

Eva James
For Mary Diggs
Decisions & Certificates
of Correction Branch
(571) 272-3422 or 703- 756 -1580

John R. Van Amsterdam
Wolf, Greenfield & Sacks
600 Atlantic Avenue
Boston, Massachusetts 02210-2206

ej



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON VA 22209-3873

MAILED

AUG 30 2010

OFFICE OF PETITIONS

In re Patent No. 6,927,847	:	
Issue Date: August 09, 2005	:	
Application No. 10/218,463	:	DECISION ON PETITION
Filed: August 15, 2002	:	
Attorney Docket No. 520.41907X00	:	

This is a decision on the petition under 37 CFR 1.183 filed April 22, 2010, which is being treated as a petition under 37 CFR 3.81(b) to accept the correction of the assignee on the front page of the above-identified patent.

The petition under 37 CFR 3.81(b) to correct the assignee's name is **GRANTED**.

Petitioner is advised that it is the practice of the U. S. Patent and Trademark Office (USPTO) to issue a certificate of correction to correct an error on the part of an application in those cases where the assignee or attorney data is incorrect or was inadvertently not provided at the time of payment of the issue fee or the inventor's name is misspelled or otherwise incorrect. Note 37 CFR 1.323 and MPEP 1482 (35 U.S.C. 255), which states:

"Whenever a mistake of a clerical or typographical nature, or of minor character, which was not the fault of the Patent and Trademark Office, appears in a patent and a showing has been made that such mistake occurred in good faith, the Commissioner may, upon payment of the required fee, issue a certificate of correction, if the correction does not involve such changes in the patent as would constitute new matter or would require re-examination. Such patent, together with the certificate, shall have the same effect and operation in law on the trial of actions for causes thereafter arising as if the same had been originally issued in such correct form."

In view of the above and since the desired correction of the assignee's name can be affected by way of a certificate of correction, it is unnecessary to reprint the front page of the Letters Patent.

Petitioner states that the correct assignee's name is "Hitachi, Ltd., Tokyo (JP)" and that the incorrect assignee's name was included on the Fee(s) Transmittal form PTOL-85(b) at the time of payment of the issue fee. Accordingly, petitioner requests that a certificate of correction be issued to reflect the correct assignee on the front page of the Letters Patent in the patent to be issued from the application.

37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter).

The request was accompanied by a certificate of correction (and fee) as required by 3.81(b). Further, Office assignment records reflect that "Hitachi, Ltd., Tokyo (JP)" is the assignee of record. Accordingly, as the request complies with the provisions of 37 CFR 3.81(b), it would be appropriate for a certificate of correction to be processed after issuance of this application into a patent.

Inquiries concerning this decision should be directed to Michelle R. Eason at (571) 272-4231. Any questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

This matter is being referred to the Certificates of Correction Branch for processing of a certificate of correction after issuance of this application into a patent.

A handwritten signature in black ink, appearing to read "Thurman K. Page". The signature is fluid and cursive, with the first name being the most prominent.

Thurman K. Page
Petitions Examiner
Office of Petitions



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P.O. Box 1450
Alexandria, VA 22313-1450
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MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO IL 60661

MAILED

NOV 04 2010

OFFICE OF PETITIONS

In re Application
Darren Neuman
Application No. 10/218,811
Filed: August 14, 2002
Attorney Docket No. 13606US02

:
:
: DECISION ON APPLICATION
: FOR PATENT TERM ADJUSTMENT
:

This is in response to the APPLICATION FOR RECONSIDERATION OF THE DETERMINATION OF PATENT TERM ADJUSTMENT UNDER 35 U.S.C. 154(b) ACCOMPANYING THE NOTICE OF ALLOWANCE (37 CFR § 1.705) filed October 18, 2010. Applicant requests that the determination of patent term adjustment be corrected from 926 to 1471 days. Applicant requests this correction in part on the basis that the Office will take in excess of three years to issue this patent and is considered in light of the recent court decision in light of the Court of Appeals for the Federal Circuit's decision in Wyeth v. Kappos, 2009-1120 (Fed. Cir. 1-7-2010).

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within three years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentees are entitled to for Office failure to issue the patent within three years. See 37 CFR 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under 37 CFR 1.702(a)(4) or applicant delay under 37 CFR 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office cannot make a determination on the patent term adjustment relating to those provisions until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment

and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss such a request as premature.

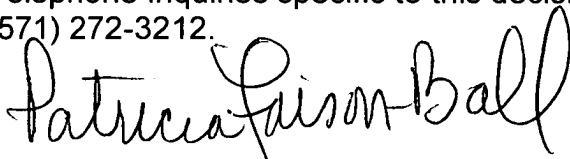
Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicants are advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicants must timely file an application for patent term adjustment prior to the payment of the issue fee.¹

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within two months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3212.



Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

¹ For example, if applicants dispute both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed, and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicants must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the § 1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.



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United States Patent and Trademark Office
P.O. Box 1450

GENENTECH, INC.
1 DNA WAY
SOUTH SAN FRANCISCO CA 94080

MAILED
MAY 10 2011
OFFICE OF PETITIONS

In re Patent No. 7,144,990 :
Issue Date: December 5, 2006 : ON PETITION
Application No.: 10/218,849 :
Filed: August 12, 2002 :
Atty. Docket No. P3530P1C11 :

This is a decision on the petition under 37 CFR 1.378(c), filed February 4, 2011, to accept the unintentionally delayed payment of a maintenance fee for the above-identified patent.


The petition is **GRANTED**.

This patent expired on December 6, 2010 for failure to pay the three and one-half year maintenance fee. Since this petition was submitted within twenty-four months after the six-month grace period provided in 37 CFR 1.362(e), the petition was timely filed under the provisions of 37 CFR 1.378(c).

The maintenance fee is hereby accepted and the above-identified patent is reinstated as of the mail date of this decision.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted.

Telephone inquiries concerning this decision should be directed to Robert DeWitty at (571) 272-8427.


David Bucci
Petitions Examiner
Office of Petitions



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ERIC HANSCOM
2141 PALOMAR AIRPORT ROAD,
SUITE 320
CARLSBAD CA 92011

MAILED

FEB 15 2011

OFFICE OF PETITIONS

In re Application of	:
MERINO	:
Application No. 10/219,583	:
Filed: December 24, 2002	:
Attorney Docket No. JAIME MERINO	:
	:
	:
	:

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 27, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to submit corrected drawings in a timely manner in reply to the Notice to File Corrected Application Papers, mailed September 27, 2010, which set a period for reply of two (2) months. Accordingly, this application became abandoned on November 28, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings, (2) the petition fee of \$810; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

The application is being referred to the Office of Data Management for processing into a patent.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/219,668	08/16/2002	Dennis R. Boulais	12013/46401	4884
23838	7590	09/17/2010		
KENYON & KENYON LLP 1500 K STREET N.W. SUITE 700 WASHINGTON, DC 20005			EXAMINER YOUNG, MICAH PAUL	
			ART UNIT 1618	PAPER NUMBER
			MAIL DATE 09/17/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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SEP 17 2010

KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON DC 20005

In re Application of: :
Boulais et al. :
Serial No.: 10/219,668 : PETITION DECISION
Filed: August 16, 2002 :
Attorney Docket No.: 12013/46401 :

This is in response to the petition under 37 CFR § 1.181, filed July 21, 2010, requesting that the Examiner's Answer be designated as having a new ground of rejection.

BACKGROUND

Only the Office action(s) pertinent to the petition will be discussed herein.

The examiner mailed an Examiner's answer on May 24, 2010 non-final Office action on September 24, 2009 setting a three month statutory limit for reply. At the time of this Office action, claims 58-66, 72-76 and 83-88 were on appeal. Claims 58-66, 72-76 and 83-88 were rejected under 35 USC 103 (a) as being unpatentable the combined disclosures of Ding et al. in view of Ragheb et al.

In response thereto, applicants filed this petition on July 21, 2010, requesting that the Examiner's Answer of May 24, 2010 be designated as having a new ground of rejection.

DISCUSSION

The petition and the file history have been carefully considered.

Petitioners argue that "The Examiner's Answer contains a newly presented argument applying FIGS. 6A and 6B of Ding (WO 96/32907). (Examiner's Answer, pp. 6-7). The Examiner has never previously cited FIGS. 6A and 6B of Ding in the prosecution of this application, and thus

Applicants have not been given a full and fair opportunity to address these figures in Ding. Previously, the Examiner applied Ding for allegedly disclosing "a method of delivering active agents using an implant stent where the coating [can] vary along the length..., and radius of the implant (page 5)." (Advisory Action of July 1, 2009). This alleged disclosure relates to the condition of the stent *prior* to its implantation." This point is not well taken as the examiner is simply responding to applicants' arguments in the Appeal Brief and in doing so has cited figures 6A and 6B. For example, in the final Office action of March 24, 2010, the examiner states that with respect to Ding that "The coating can vary along the stent in thickness...or the composition" (page 3, lines 2-3). In the Examiner's Answer, the examiner also points to figure 6A to show this. However, it is not seen that this constitutes a "new" argument. The examiner also points to figure 6B when addressing applicants' argument regarding use of the same agents at the first and second sites.

Accordingly, it is considered that applicants' arguments are not persuasive. Consequently, the Examiner's Answer of May 24, 2010 is not seen to raise a new ground of rejection and will not be designated as having such new grounds of rejection contained therein.

DECISION

The petition is **DENIED**.

Any new or renewed petition must be filed within TWO MONTHS of the mail date of this decision.

Should there be any questions about this decision please contact Marianne C. Seidel, by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.



Remy Yucel
Director, Technology Center 1600

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
7,027,054	2006-04-11	10/219,689	2002-08-14	Talking Head-DIY-Parent

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|-----------------------|-----------|--------|
| <input type="radio"/> | 3 ½ year | (1551) |
| <input type="radio"/> | 7 ½ year | (1552) |
| <input type="radio"/> | 11 ½ year | (1553) |

Small Entity

- | | Fee | Code |
|----------------------------------|-----------|--------|
| <input checked="" type="radio"/> | 3 ½ year | (2551) |
| <input type="radio"/> | 7 ½ year | (2552) |
| <input type="radio"/> | 11 ½ year | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/Harvey Lunenfeld/	Date (YYYY-MM-DD)	2012-04-09
Name	Harvey Lunenfeld	Registration Number	26000
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Patent No. 7027054 :
Issue Date: April 11, 2006 :
Application No. 10219689 :DECISION GRANTING PETITION
Filed: August 14, 2002 :UNDER 37 CFR 1.378(c)
Attorney Docket No. 967-20-010 :

This is a decision on the electronic petition, filed April 9, 2012, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of April 9, 2012. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS TX 75265

MAILED

SEP 14 2010

In re Application of
Papsakellariou, Aris
Application No. 10/219,966
Filed: August 15, 2002
Attorney Docket No. TI-33433

: **OFFICE OF PETITIONS**
:
:
: **ON PETITION**
:

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed August 24, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Notice of Appeal, an Appeal Brief and an Amendment, (2) the petition fee, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to Technology Center AU 2467 for further processing.

Liana Walsh
Petitions Examiner
Office of Petitions

Knobbe Martens Olson & Bear LLP

Intellectual Property Law

2040 Main Street
Fourteenth Floor
Irvine, CA 92614
Tel 949-760-0404
Fax 949-760-9502
www.kmob.com

Lavanya G. Rau, Ph.D.

February 13, 2012

ATTN: Certificate of Correction Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: Title: SQUITIERI HEMODIALYSIS AND VASCULAR ACCESS SYSTEMS
Letters Patent No. RE41448
Issued: July 20, 2010
Our Reference: HMOSP.001RA

Dear Sir:

Enclosed for filing is a Certificate of Correction in connection with the above-identified patent.

The amount of \$100 is being paid via EFS. Please charge any additional fees to our Deposit Account No. 11-1410

Respectfully submitted,

Knobbe, Martens, Olson & Bear, LLP

/Lavanya G. Rau/
Lavanya G. Rau
Registration No. 65,504
Customer No. 20995

Enclosures

12751906

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO. : RE41448
APPLICATION NO. : 10/219998
ISSUE DATE : July 20, 2010
INVENTOR(S) : Rafael P. Squitieri

Page 1 of 1

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

At Column 1, Line 12 through 16, Change "Notice: More than one reissue application has been filed for the reissue of U.S. Pat. No. 6,102,884. The reissue applications are U.S. application Ser. No. 10/219,998 (the present application) and U.S. application Ser. No. 11/417,658, which is a continuation reissue of U.S. Pat. No. 6,102,884." to --Notice: More than one reissue application has been filed for the reissue of U.S. Pat. No. 6,102,884. The reissue applications are U.S. application Ser. No. 10/219,998 (the present application) and U.S. application Ser. Nos. 11/417,658 and 12/688,716 which are continuation reissues of U.S. Pat. No. 6,102,884.--

12545015
010912

The certificate of correction is approved.
/Tatyana Zalukaeva/
SPE AU 3761

MAILING ADDRESS OF SENDER:

Andrew M. Douglas
KNOBBE, MARTENS, OLSON & BEAR, LLP
2040 Main Street, 14th Floor
Irvine, California 92614

DOCKET NO. HMOSP.001RA



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

MAILED

OCT 12 2011

OFFICE OF PETITIONS

In re Application of	:	
Hartault et al.	:	
Application No. 10/220506	:	ON REQUEST FOR
Filing or 371(c) Date: 11/26/2002	:	RECONSIDERATION OF
Attorney Docket Number:	:	PATENT TERM ADJUSTMENT
065691-0289	:	

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705," filed September 14, 2011. Applicants petition for reconsideration of the patent term adjustment calculation to 1199 days, not zero (0) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicants request this correction based upon (1) an assertion that the Office erred in calculating a delay of 133 days, and (2) on the basis that the Office will take in excess of three years to issue this patent. The request is properly treated under 37 C.F.R. § 1.705(b).

The Application for Patent Term Adjustment ("PTA") Under 35 U.S.C. § 154(b) and 37 C.F.R. § 1.705(b), as it relates to the assertion that the Office erred in calculating a delay of 133 days is **GRANTED to the EXTENT INDICATED.**

The Application for Patent Term Adjustment ("PTA") Under 35 U.S.C. § 154(b) and 37 C.F.R. § 1.705(b), as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE.**

BACKGROUND

On June 16, 2011, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is zero (0) days.

On September 14, 2011, applicants timely submitted the instant application for patent term adjustment¹. Applicants request that the Determination of Patent Term Adjustment be corrected from zero (0) days, as indicated on the Determination of PTA mailed June 16, 2011, to an

¹ PALM records show that the Issue Fee payment was received in the Office on September 14, 2011.

adjustment of 1199 days. Applicants aver that the Office erred in calculating a delay of 133 days, and applicants are entitled to an adjustment under 37 CFR 1.702(b) of 1526 days.

OPINION

As to the assertion that the Office erred in calculating a delay of 133 days, the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) mailed August 13, 2010 indicates a patent term of zero (0) days. The instant request for reconsideration of patent term adjustment indicates that the Office erred in calculating a delay of 133 days in connection with the filing of a reply to a final Office action on February 27, 2009, three (3) months and 133 days after the mail date of the Office action.

A review of Office records reveals that a final Office action was mailed on July 17, 2008. Applicants filed a Notice of Appeal in reply to the final Office action on January 16, 2009. The reduction of 91 days commenced October 18, 2008, the day after the date that is three months after the date of mailing of the final Office action, and ending on the date the reply was filed, January 16, 2009. As such, pursuant to 37 CFR 1.704(b), the reduction of 133 days is incorrect and has been removed, and the application is properly assessed a reduction of 91 days in connection with the filing of the reply to the final Office action on January 16, 2009.

Because the correction of the adjustment pursuant to 37 CFR §§ 1.704(b) will not result in a change in Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance, the correct Patent Term Adjustment at the time of the mailing of the Notice of Allowance remains zero (0) days (adjustments totaling 412 days less reductions totaling 461 days). A copy of the updated PAIR screen, showing the correct determination, is enclosed.

As to the Office's failure to issue the patent within 3 years of the filing date, knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicant is advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the

issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee².

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

Any request for reconsideration of the patent term adjustment indicated on the patent, including any request as it relates to the Office's failure to issue the patent within 3 years of the filing date, must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and **must** include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3232.

/DLW/

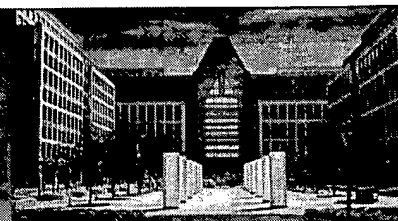
Derek L. Woods
Director
Office of Petitions

Enclosure: Copy of Adjustment PAIR Calculations

² For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.



Patent Term Adjustments



PTA/PTE Information

Patent Term Adjustment

Patent Term Extension

Application Number*: 10220506

[Search](#)

[Explanation of PTA Calculation](#)

[Explanation of PTE Calculation](#)

PTA Calculations for Application: 10220506

Application Filing Date	11/26/2002	OverLapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays:	412
A Delays	412	PTO Manual Adjustment	42
B Delays	0	Applicant Delay (APPL)	503
C Delays	0	Total PTA (days)	0

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
117	10/12/2011		P028	Adjustment of PTA Calculation by PTO	42		0
110	06/16/2011	04/29/2011	MN/=.	Mail Notice of Allowance	48		93
109	06/14/2011		OAR	Office Action Review			0
108	06/14/2011		IREV	Issue Revision Completed			0
107	06/09/2011		OAR	Office Action Review			0
106	06/09/2011		ACRE	Allowed Case Returned to the Examiner for Clerical Processing			0
105	06/09/2011		DVER	Document Verification			0
104	06/09/2011		N/=.	Notice of Allowance Data Verification Completed			0
103	06/09/2011		DOCK	Case Docketed to Examiner in GAU			0
100	03/29/2011		OAR	Office Action Review			0
99	03/29/2011		ACRE	Allowed Case Returned to the Examiner for Clerical Processing			0
98	03/29/2011		DVER	Document Verification			0
97	03/18/2011		CNTA	Allowability Notice			0
94	01/04/2011		FWDX	Date Forwarded to Examiner			0
93	12/29/2010		A...	Response after Non-Final Action			0
92	11/09/2010		MCTNF	Mail Non-Final Rejection			0
91	11/08/2010		CTNF	Non-Final Rejection			0
88	09/01/2010		FWDX	Date Forwarded to Examiner			0
90	08/31/2010		IDSC	Information Disclosure Statement considered			0
89	08/31/2010	08/31/2010	M844	Information Disclosure Statement (IDS) Filed			87
87	08/31/2010	06/30/2010	A...	Response after Non-Final Action		62	79
86	08/31/2010		XT/G	Request for Extension of Time - Granted			0
82	08/31/2010		WIDS	Information Disclosure Statement (IDS) Filed			0
81	08/31/2010		MEXIN	Mail Examiner Interview Summary (PTOL - 413)			0
80	08/17/2010		EXIN	Examiner Interview Summary Record (PTOL - 413)			0
79	03/31/2010		MCTNF	Mail Non-Final Rejection			0
78	03/29/2010		CTNF	Non-Final Rejection			0
77	01/10/2010		FWDX	Date Forwarded to Examiner			0
74	12/22/2009		MEXIN	Mail Examiner Interview Summary (PTOL - 413)			0
76	12/17/2009	09/19/2009	A...	Response after Non-Final Action		89	72
75	12/17/2009		XT/G	Request for Extension of Time - Granted			0
73	12/15/2009		EXIN	Examiner Interview Summary Record (PTOL - 413)			0
72	06/19/2009		MCTNF	Mail Non-Final Rejection			0
71	06/18/2009		CTNF	Non-Final Rejection			0
70	03/18/2009		FWDX	Date Forwarded to Examiner			0

68	03/18/2009	FWDX	Date Forwarded to Examiner		0
66	03/18/2009	ABN9	Disposal for a RCE / CPA / R129		0
69	02/27/2009	AMSB	Amendment Submitted/Entered with Filing of CPA/RCE		0
67	02/27/2009	10/17/2008 RCEX	Request for Continued Examination (RCE)	133	57
65	02/27/2009	BRCE	Workflow - Request for RCE - Begin		0
64	01/16/2009	MCTAV	Mail Advisory Action (PTOL - 303)		0
63	01/16/2009	CTAV	Advisory Action (PTOL-303)		0
62	01/02/2009	FWDX	Date Forwarded to Examiner		0
61	12/17/2008	A.NE	Amendment after Final Rejection		0
60	12/17/2008	XT/G	Request for Extension of Time - Granted		0
59	10/21/2008	MEXIN	Mail Examiner Interview Summary (PTOL - 413)		0
58	10/16/2008	EXIN	Examiner Interview Summary Record (PTOL - 413)		0
57	07/17/2008	06/27/2008 MCTFR	Mail Final Rejection (PTOL - 326)	20	54
56	07/16/2008	CTFR	Final Rejection		0
55	03/25/2008	FWDX	Date Forwarded to Examiner		0
54	02/27/2008	11/27/2007 A...	Response after Non-Final Action	92	52
53	02/27/2008	XT/G	Request for Extension of Time - Granted		0
52	08/27/2007	MCTNF	Mail Non-Final Rejection		0
51	08/20/2007	CTNF	Non-Final Rejection		0
50	08/01/2007	MRFND	Mail Refund Denied		0
49	08/01/2007	RFND	Refund Denied		0
48	06/12/2007	FWDX	Date Forwarded to Examiner		0
47	06/04/2007	05/02/2007 A...	Response after Non-Final Action	33	45
46	06/04/2007	XT/G	Request for Extension of Time - Granted		0
45	02/02/2007	11/20/2006 MCTNF	Mail Non-Final Rejection		43
44	01/31/2007	CTNF	Non-Final Rejection		0
43	11/20/2006	N/AP	Notice of Appeal Filed		0
42	11/20/2006	XT/G	Request for Extension of Time - Granted		0
41	10/26/2006	FWDX	Date Forwarded to Examiner		0
40	10/18/2006	08/18/2006 A.NE	Amendment after Final Rejection	61	38
39	10/18/2006	XT/G	Request for Extension of Time - Granted		0
38	05/18/2006	MCTFR	Mail Final Rejection (PTOL - 326)		0
37	05/15/2006	CTFR	Final Rejection		0
36	03/09/2006	DOCK	Case Docketed to Examiner in GAU		0
35	03/01/2006	FWDX	Date Forwarded to Examiner		0
33	03/01/2006	DOCK	Case Docketed to Examiner in GAU		0
34	02/17/2006	A...	Response after Non-Final Action		0
32	11/17/2005	MW/AC	Mail Notice of Withdrawn Action		0
31	11/17/2005	MCTNF	Mail Non-Final Rejection		0
30	11/14/2005	CTNF	Non-Final Rejection		0
29	11/14/2005	W/AC	Withdrawing/Vacating Office Action Letter		0
28	09/07/2005	12/23/2004 MCTFR	Mail Final Rejection (PTOL - 326)	258	23
27	09/02/2005	CTFR	Final Rejection		0
26	04/05/2005	DOCK	Case Docketed to Examiner in GAU		0
24	09/14/2004	FWDX	Date Forwarded to Examiner		0
23	08/23/2004	07/21/2004 A...	Response after Non-Final Action	33	20
22	08/23/2004	XT/G	Request for Extension of Time - Granted		0
21	08/23/2004	WAMD	Workflow incoming amendment IFW		0
20	04/21/2004	01/26/2004 MCTNF	Mail Non-Final Rejection	86	-1
19	04/19/2004	CTNF	Non-Final Rejection		0
18	12/30/2003	DOCK	Case Docketed to Examiner in GAU		0
17	10/30/2003	TSSCOMP	IFW TSS Processing by Tech Center Complete		0
15	10/29/2003	TSSCOMP	IFW TSS Processing by Tech Center Complete		0
14	08/07/2003	DOCK	Case Docketed to Examiner in GAU		0
10	04/23/2003	OIPE	Application Dispatched from OIPE		0
9	04/15/2003	SCAN	IFW Scan & PACR Auto Security Review		0
8	04/02/2003	M903	Notice of DO/EO Acceptance Mailed		0
12	01/08/2003	A.PE	Preliminary Amendment		0
16	11/26/2002	RCAP	Reference capture on IDS		0
13	11/26/2002	A.PE	Preliminary Amendment		0
11.7	11/26/2002	M844	Information Disclosure Statement (IDS) Filed		0
11	11/26/2002	WIDS	Information Disclosure Statement (IDS) Filed		0
6	11/26/2002	ADDFLFEE	Additional Application Filing Fees		0
5	11/26/2002	INFODSCL	Information Disclosure Statements		0
4	11/26/2002	PREAMND	Preliminary Amendments		0
3	11/26/2002	OATHDECL	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applicant		0
0.5	03/02/2001	NEFILE	International Filing date		0

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UNITED STATES PATENT
AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Date Mailed : May 19, 2011
Patent No. : 7,422,189 B2
Ser. No. : 10/220682
Issued : September 9, 2008
Inventor(s) : Uwe Militz, et al.
Title : DEVICE FOR FIXING A VEHICLE ANTENNA

Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data, attorney agent/firm) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, before issuance of a Certificate of Correction, under 37 CFR 1.323 (*see Manual of Patent Examining Procedures (M.P.E.P) Chp. 1400, sect. 1481*). This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

- A. the processing fee set forth in 37 CFR 1.17(h) (currently \$130);**
- B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and**
- C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.**

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-0025
ATTN: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

Magdalene Talley

For Mary F. Diggs, Supervisor
Decisions & Certificates
of Correction Branch
(571) 272-0423

Kenyon & Kenyon LLP
One Broadway
New York, NY 10004

MD/mt



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ABELMAN, FRAYNE & SCHWAB
666 Third Avenue
New York NY 10017-5621

MAILED
MAR 06 2012
OFFICE OF PETITIONS

In re Patent No. 7,563,824 :
Issue Date: July 21, 2009 :
Application No. 10/220,934 : **DECISION ON PETITION**
Filed: April 4, 2003 :
Attorney Docket No. 205,874 :

This is a decision on the Request To Correct The Assignee Under 37 CFR §3.81(b), filed November 20, 2009, to correct assignees' names on the front page of the above-identified patent by way of a certificate of correction

The petition is **DISMISSED**.

Petitioner requests issuance of a certificate of correction in the names of "Fidia Farmaceutici S.P.A. and Slovak Academy of Sciences **Institute of Experimental Pharmacology**"

Despite the content of the actual assignment documents recorded, petitioner requests that "**Institute of Experimental Pharmacology**" be added part of the second assignee's name. However, it is the information listed on the recordation Cover Sheet that is recorded on the front page of the patent. Therefore, "**Institute of Experimental Pharmacology**" did not appear on the recordation Cover Sheet when the assignment was filed and it cannot be part of the second assignee's name. Therefore, petitioner needs to resubmit a corrected Certification of Correction Form (PTO/SB/44) as required by §3.81(b).

Inquiries related this communication should be directed to the undersigned at (571)272-3213.

Cheryl Gibson-Baylor

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 07/14/11

TO SPE OF : ART UNIT 1786

SUBJECT : Request for Certificate of Correction for Appl. No.: 10221568 Patent No.: 7625629

CofC mailroom date: 07/05/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)

Randolph Square – 9D10-A

Palm Location 7580

You can fax the Directors/SPE response to 571-273-3421

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☐ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☒ **Denied**

State the reasons for denial below.

Comments: The proposed amendments and their insertion location do not match up with the patent. The proposed amendment changes appear to be based on the Specification and not the patent.

/Jennifer A. Chriss/

SPE AU 1786



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/221,978	09/17/2002	Dominique Schulz	02-883	9920
20306 7590 11/23/2011 MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP 300 S. WACKER DRIVE 32ND FLOOR CHICAGO, IL 60606			EXAMINER DEVI, SARVAMANGALA J N	
			ART UNIT 1645	PAPER NUMBER
			MAIL DATE 11/23/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

NOV 23 2011

MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO IL 60606

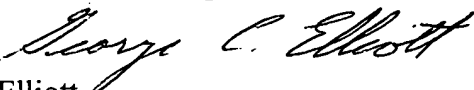
In re Application of: :
Dominique Schulz : PETITION DECISION
Serial No.: 10/221,978 :
Filed: September 17, 2002 :
Attorney Docket No.: 02-883 :

This is in response to the petition under 37 CFR § 1.181, filed November 14, 2011, requesting that the final Office action of August 16, 2011 be withdrawn.

Applicants' arguments have been accorded careful consideration but they are not persuasive for the following reasons. The petition was untimely and therefore the merits of such won't be considered. Applicant should note that 37 CFR 1.181(f) indicates that any petition not filed within two months of the mailing date of the action from which relief is requested may be dismissed as untimely, that action being the final rejection of August 16, 2011. If the applicant wants consideration after the two months they should file a petition, and corresponding petition fee for such, under 37 CFR 1.183 and ask for a suspension of the Rule 181 and ask that consideration be made later than the 2 months.

Accordingly, the petition filed under 37 CFR 1.181 is **DISMISSED** as untimely.

Should there be any questions about this decision please contact Marianne C. Seidel, by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.


George Elliott
Director, Technology Center 1600



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Cindy S. Kaplan
P.O. BOX 2448
SARATOGA, CA 95070

Mail Date: 08/04/2010

Applicant	: Thomas Eric Ryle	: DECISION ON REQUEST FOR
Patent Number	: 7653526	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 10/222,134	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/16/2002	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1118** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



UNITED STATES PATENT AND TRADEMARK OFFICE

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JONES DAY
555 SOUTH FLOWER STREET FIFTIETH FLOOR
LOS ANGELES CA 90071

MAILED

OCT 11 2011

**OFFICE OF PETITIONS
NOTICE**

In re Patent No. 7,041,132
Issue Date: May 9, 2006
Application No. 10/222,176
Filed: August 16, 2002
Attorney Docket No. Q&T-80

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed September 22, 2011.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

A courtesy copy of this decision is being mailed to the address given on the petition. However, the Office will mail all future correspondence solely to the address of record. If appropriate the proper power attorney documents should also be submitted.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

Cc: Sterne Kessler Goldstein Fox
1100 New York, N.W.
Washington, D.C. 20005-3934.



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

RAYMOND Y CHAN
108 NORTH YNEZ AVENUE, SUITE 128
MONTEREY PARK, CA 91754

MAILED

SEP 14 2010

In re Application of :
Deborah Ladon Hill : **OFFICE OF PETITIONS**
Application No. 10/222,321 :
Filed: August 16, 2002 : **DECISION ON PETITION**
Attorney Docket No. :

This is a decision on the renewed petition, filed August 5, 2010, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action of January 14, 2010, which set a three (3) month shortened statutory period for reply. Accordingly, a reply was due on or before April 14, 2010.

Petitioner states that a timely reply was mailed via certificate of mailing on July 14, 2010, which included the following papers: an amendment to the outstanding Office action with a check in the amount of \$555 for a request for a three (3) month extension of time. The original reply is in the file.

The petition satisfies the above requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Office action of January 14, 2010 is hereby **withdrawn** and the **application restored to pending status**.

Telephone inquiries concerning this decision should be directed to the April M. Wise at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 3715 for processing of the amendment previously filed July 16, 2010.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

RAYMOND Y CHAN
108 NORTH YNEZ AVENUE SUITE 128
MONTEREY PARK CA 91754

MAILED
JAN 12 2012
OFFICE OF PETITIONS

In re Application of :
Deborah Ladon Hill :
Application No. 10/222,321 : ON PETITION
Filed: August 16, 2002 :
Attorney Docket No. CIP2816A-DLH :

This is in response to petition to revive under 37 CFR 1.137(b),
filed December 27, 2011.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to
file a proper response to the final Office action, mailed
May 10, 2011, which set a shortened statutory period for reply of
three months. Applicant filed an Amendment on November 9, 2011,
made timely by obtaining a three month extension of time.
However, the Examiner indicated in an Advisory Action mailed on
November 25, 2011 that the Amendment would not be entered because
it failed to place the application in condition for allowance.
As such, the application became abandoned on November 11, 2011.
The Office mailed a Notice of Abandonment on December 20, 2011.

With the instant petition, petitioner paid the petition fee, made
the proper statement of unintentional delay, and submitted the
required reply in the form of an RCE (together with a
submission).

Application No. 10/222,321

Page 2

The application is being forwarded to Group Art Unit 3715 for consideration of the RCE, filed December 27, 2011.

Telephone inquiries concerning this decision may be directed to the undersigned at 571-272-3207.

A handwritten signature in black ink, appearing to read "Cliff Congo". The signature is stylized with a large, looped "C" and a distinct "y" at the end.

Cliff Congo
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED

OCT 26 2010

OFFICE OF PETITIONS

**STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVE, N.W.
WASHINGTON DC 20005**

In re Application of :
Ho-Sang Sung et al :
Application No. 10/222,662 : **DECISION ON REQUEST FOR REFUND**
Filed: August 16, 2002 :
Attorney Docket No. 1998.1002 :

This is a decision on the Request For Refund filed October 7, 2010.

The request is **DISMISSED**.

A petition under 37 CFR 1.182, requesting issuance of a duplicate Letters Patent for the above-identified application was filed on May 8, 2009. Authorization was provided to charge for the required petition fee of \$400.00 as set forth under 37 CFR 1.17(f). The petition also stated that "... if this Petition is granted, the Petition fee of \$400.00 must be credited to the same Deposit Account."

Applicant now files the above request for refund of the petition fee (\$400.00) charged for the petition submitted on May 8, 2009.

A review of the Office record for the above-identified patent, verifies that the Letters Patent was mailed to the below correct address of record on June 19, 2007:

**STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005**

Applicant should note that if the Letters Patent mailed June 19, 2007, was mailed to an incorrect address, then applicant would be entitled to a refund. However, that is not the case in this matter.

Therefore, in view of the mailing of the Letters Patent to the correct address of record on June 19, 2007, and the granting of the petition under 37 CFR 1.182, on June 5, 2009, and the mailing of the duplicate Letters Patent on June 19, 2009, the request for refund of the petition fee of \$400.00 is dismissed.

Application No. 10/222,662

-2-

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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**JLB CONSULTING, INC.
C/O INTELLEVATE
P.O. BOX 52050
MINNEAPOLIS MN 55402**

MAILED

AUG 30 2011

OFFICE OF PETITIONS

In re Patent No. 7,234,064	:	
Issued: June 19, 2007	:	
Application No. 10/222,720	:	ON PETITION
Filed: August 16, 2002	:	
Attorney Docket No. 1151UB02US00	:	

This is a decision on the petition under 37 CFR 1.378(c), filed August 22, 2011, to accept the delayed payment of a maintenance fee for the above-identified patent.

The petition is **GRANTED**.

This patent expired on June 20, 2011 for failure to pay the three and one-half year maintenance fee. Since this petition was submitted within twenty-four months after the six-month grace period provided in 37 CFR 1.362(e), the petition was timely filed under the provisions of 37 CFR 1.378(c).

The maintenance fee is hereby accepted and the above-identified patent is reinstated as of the mail date of this decision.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the delay in filing a timely response was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay in paying the maintenance fee was in fact unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay in paying the maintenance fee was intentional, petitioner must so notify the Office. Further, it is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute this patent. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts. While, a courtesy copy of this decision is being mailed to the address given on the petition, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Michael P. Dunnam
Woodcock Washburn LLP,
Cira Centre, 12th Floor
2929 Arch Street
Philadelphia, Pennsylvania 19104



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No.

Richard S. Wesorick
Tarolli, Sundheim, Covell, & Tummino L.L.P.
Suite 1700
1300 East 9th Street
Cleveland OH 44114-1501

MAILED

MAR 28 2011

In re Application of	:	OFFICE OF PETITIONS
Cole	:	
Application No. 10/222,742	:	
Patent No.: 6,908,584	:	DECISION ON PETITION
Filed: August 16, 2002	:	PURSUANT TO
Issued: June 21, 2005	:	37 C.F.R. § 1.28(c)
Attorney Docket No.:	:	
31180.30009	:	
Title: APPARATUS AND METHOD FOR	:	
LOCKING A TIRE VULCANIZING	:	
PRESS	:	

This is a notice regarding your request for acceptance of a fee deficiency submission pursuant to 37 C.F.R. § 1.28, received on January 6, 2011. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 C.F.R. § 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 C.F.R. § 1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore, nothing in this notice is intended to imply that an investigation was done.

Petitioner has identified the particular type of fee that was erroneously paid as a small entity, when the small entity fee was actually paid, the small entity fee that was actually paid, the deficiency owed amount, and the total deficiency payment owed.

The deficiency payment in the amount of \$490 has been received.

Your fee deficiency submission pursuant to 37 C.F.R. § 1.28(c) is hereby accepted. The petition is **GRANTED** accordingly.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.¹

/Paul Shanowski/
Paul Shanowski
Senior Attorney
Office of Petitions

¹ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

161222,788

Paper No.:20120216

DATE : February 16, 2012

TO SPE OF : ART UNIT 2816

SUBJECT : Request for Certificate of Correction on Patent No.: 6791378

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within 7 days to:

Certificates of Correction Branch - PK 3-910

Palm location **7590** - Tel. No. 305-8201

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments:

SPE: /Lincoln Donovan/

Art Unit 2816



UNITED STATES PATENT AND TRADEMARK OFFICE

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www.uspto.gov

MAILED

OCT 21 2010

OFFICE OF PETITIONS

DICKSTEIN SHAPIRO, LLP
1825 EYE STREET NW
Washington, DC 20006-5403

In re Patent No. 7,083,657	:	
Issue Date: August 1, 2006	:	
Application No. 10/223,871	:	ON PETITION
Filed: August 20, 2002	:	
Patentee(s): Richard M. Mohring, et. al.	:	

This is a decision on the petition under 37 CFR 1.378(c), filed on August 30, 2010, to accept the delayed payment of a maintenance fee for the above-identified patent.

The present petition is not signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of Christine C. O'Day appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that she is authorized to represent the particular party on whose behalf she acts.

Additionally, it is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that the delay in paying the maintenance fee under 37 CFR 1.378(c) was intentional, petitioner must notify the Office.

Since petitioner has demonstrated to the satisfaction of the Commissioner that the delay in timely paying the maintenance fee was unintentional, the petition under 37 CFR 1.378(c) is hereby **GRANTED**.

The maintenance fee is hereby accepted and the above-identified patent is reinstated as of the mail date of this decision.

It is noted that the address given in the present petition is different from the address of record. A courtesy copy of this decision is being mailed to petitioner at the address given in the petition. However, petitioner should note that a change of correspondence address will not affect the fee address. Therefore, if petitioner desires to receive future correspondence

regarding maintenance fees for the above patent, a proper power of attorney along with a "Fee Address Indication" and/or "Request for Customer Number" forms must be submitted. See USPTO forms PTO/SB/47, PTO/SB/81A and PTO/SB/125.

This patented file is being forwarded to Files Repository.

Telephone inquiries should be directed to the undersigned at (571) 272-3226.



Andrea Smith
Petitions Examiner
Office of Petitions

cc: Christine C. O'Day
Edwards Angell Palmer & Dodge, LLP
P.O. Box 55874
Boston, MA 02205

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 10/11/11

TO SPE OF : ART UNIT 3739

SUBJECT : Request for Certificate of Correction for Appl. No.: 10224059 Patent No.: 6984228

CofC mailroom date: 10/03/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)

Randolph Square – 9D10-A

Palm Location 7580

Response to 571-272-3421

Note: **Should the changes in the claims be approved?**

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

X **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: Directed to matters of form not affecting patentability.

/Linda C.M. Dvorak/ 3739

SPE

Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 8/15/2011

TO SPE OF : ART UNIT 2629

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/224073 Patent No.: 6933923 B2

CofC mailroom date: 8/1/2011

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**

Note: _____

Virginia Tolbert

Certificates of Correction Branch

(571) 272-0460

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

APPROVED

By aeisen at 4:59 pm, Sep 01, 2011

/ALEXANDER EISEN/

SPE

2629

Art Unit

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
7082948	2006-08-01	10224155	2002-08-20	

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|-----------------------|-----------|--------|
| <input type="radio"/> | 3 ½ year | (1551) |
| <input type="radio"/> | 7 ½ year | (1552) |
| <input type="radio"/> | 11 ½ year | (1553) |

Small Entity

- | | Fee | Code |
|----------------------------------|-----------|--------|
| <input checked="" type="radio"/> | 3 ½ year | (2551) |
| <input type="radio"/> | 7 ½ year | (2552) |
| <input type="radio"/> | 11 ½ year | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☐ An attorney or agent registered to practice before the Patent and Trademark Office
- ☒ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

Sole Patentee			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature.			
Signature	/Thomas J. Laughlin/	Date (YYYY-MM-DD)	2010-10-07
Name	Thomas J. Laughlin		
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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In re Patent No. 7082948 :
Issue Date: August 1, 2006 :
Application No. 10224155 :DECISION GRANTING PETITION
Filed: August 20, 2002 :UNDER 37 CFR 1.378(c)
Attorney Docket No. 117645-1029 :

This is a decision on the electronic petition, filed October 7, 2010, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of October 7, 2010. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/224,158	08/19/2002	Jeremy Weston	COHJ-5311	2471
86383 7590 12/01/2010 Coherent, Inc. c/o Morrison & Forester 425 Market Street San Francisco, CA 94105-2482			EXAMINER HELLNER, MARK	
			ART UNIT 3663	PAPER NUMBER
			MAIL DATE 12/01/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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DEC -1 2010

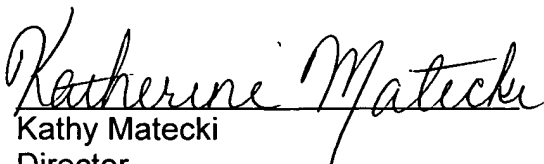
Coherent, Inc.
c/o Morrison & Forester
425 Market Street
San Francisco, CA 94105-2482

In re Application of	:	
Jeremy Weston et al.	:	<i>SUA SPONTE</i>
Application No. 10/224,158	:	WITHDRAWAL OF
Filed: August 19, 2002	:	HOLDING OF
For: SYSTEM AND METHOD FOR	:	ABANDONMENT
AMPLIFYING AN OPTICAL PULSE		
AND PUMPING LASER THEREFORE		

A review of the above application reveals that a Notice of Non-compliant amendment was mailed to the applicant on September 30, 2005. With no written response having been received, a Notice of Abandonment was mailed on May 18, 2006. A petition to withdraw the holding of abandonment, filed May 19, 2006, was dismissed in a decision dated July 21, 2006. On October 28, 2010 a Letter Withdrawing a Notice of Non-Compliant Amendment was mailed which indicated that the Non-Compliant Notice of September 30, 2005 was sent in error and is withdrawn.

In view of the withdrawal of the Notice of Non-Compliant Amendment noted above, the holding of the abandonment is likewise held to be an error, and is hereby withdrawn. With the withdrawal of the above Notice of Non-Compliant Amendment, the amendment of September 26, 2005 has been entered. The latest amendment dated July 2, 2009 has been entered and the application has been forwarded to the examiner of record for an action on the merits.

Inquiries related to this decision may be directed to Quality Assurance Specialist Steven N. Meyers at (571) 272-6611.


Kathy Matecki
Director,
Technology Center 3600

Sm/sm: 11/08/10





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In re Patent No. 6882412 :
Issue Date: April 19, 2005 :
Application No. 10224292 :DECISION GRANTING PETITION
Filed: August 20, 2002 :UNDER 37 CFR 1.378(c)
Attorney Docket No. 6452*10 :

This is a decision on the electronic petition, filed January 5, 2011, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of January 5, 2011. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6882412	2005-04-19	10/224,292	2002-08-20	068880/000011

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|-----------------------|-----------|--------|
| <input type="radio"/> | 3 ½ year | (1551) |
| <input type="radio"/> | 7 ½ year | (1552) |
| <input type="radio"/> | 11 ½ year | (1553) |

Small Entity

- | | Fee | Code |
|----------------------------------|-----------|--------|
| <input checked="" type="radio"/> | 3 ½ year | (2551) |
| <input type="radio"/> | 7 ½ year | (2552) |
| <input type="radio"/> | 11 ½ year | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/Michael T. Smith/	Date (YYYY-MM-DD)	2011-01-05
Name	Michael T. Smith	Registration Number	47099
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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PATTERSON THUENTE CHRISTENSEN PEDERSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS MN 55402-2100

MAILED

OCT 15 2010

OFFICE OF PETITIONS

In re Application of	:
Owen et al.	: DECISION ON PETITION
Application No. 10/224,689	: UNDER 37 CFR 1.78(a)(3)
Filed: August 21, 2002	: AND 37 CFR 1.78(a)(6)
Attorney Docket No. 1798.201US03	:

This is a decision on the petition under 37 CFR 1.78(a)(3) and 1.78(a)(6), filed August 23, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 and 119(e) for the benefit of the prior-filed applications set forth in the amendment filed concurrently with the instant petition.

The petitions are **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

- (1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional where there is a question whether the delay was unintentional.

The instant nonprovisional application was filed on August 21, 2002 and was pending at the time of filing of the instant petition. A reference to the prior-filed applications has been included in an amendment to the first sentence of the specification following the title, as required by 37 CFR §§ 1.78(a)(2)(iii) and 1.78(a)(5)(iii).

The instant nonprovisional application was filed after November 29, 2000, and the claim for priority herein is submitted after expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). See 35 U.S.C. § 120 and § 119(e). Accordingly, having found that the instant petition satisfies the conditions of 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) for acceptance of an unintentionally delayed claim for priority

under 35 U.S.C. § 120 and § 119(e), the petition to accept an unintentionally delayed claim of benefit to the prior-filed applications is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that the instant application is entitled to the benefit of the filing date of the prior-filed applications. In order for the instant application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §120 and 1.78(a)(1) and (a)(2) and under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed applications, accompanies this decision on petition.

37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) require a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. Since the statement appearing in the petition varies from the language required 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

Additionally, it is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute this patent. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

Any questions concerning this matter may be directed to Joan Olszewski at (571) 272-3206.

This matter is being referred to Technology Center Art Unit 3762 for appropriate action on the Amendment submitted August 23, 2010, including consideration by the examiner of the claim under 35 U.S.C. § 120 and 37 CFR 1.78(a)(2) for the benefit of the prior-filed nonprovisional applications, and for consideration of the claim under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(5) for the benefit of the prior-filed provisional application.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

cc: **ATTACHMENT:** Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
10/224,689	08/21/2002	3762	824	1798.201US03	26	2

CONFIRMATION NO. 2515

CORRECTED FILING RECEIPT



OC000000044003472

24113
PATTERSON THUENTE CHRISTENSEN PEDERSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS, MN 55402-2100

Date Mailed: 10/14/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

James M. Owen, Waltham, MA;
Randall W. Fincke, Winchester, MA;
James P. O'Leary, Meford, MA;
Mark H. Totman, Winchester, MA;

Power of Attorney:

Tiberiu Weisz--29876

Domestic Priority data as claimed by applicant

This application is a DIV of 09/652,054 08/31/2000 PAT 6,546,285
which is a DIV of 09/036,265 03/06/1998 PAT 6,148,233
which claims benefit of 60/040,123 03/07/1997

Foreign Applications

If Required, Foreign Filing License Granted: 09/10/2002

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/224,689**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Defibrillation system

Preliminary Class

607

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER**Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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DINSMORE & SHOHL LLP
FIFTH THIRD CENTER ONE SOUTH
MAIN STREET
SUITE 1300
DAYTON OH 45402-2023

MAILED
JUN 20 2011
OFFICE OF PETITIONS

In re Patent No. 7,949,539	: DECISION ON
Mitchell, et al.	: REQUEST FOR RECONSIDERATION
Application No. 10/224,840	: of PATENT TERM ADJUSTMENT
Issue Date: May 24, 2011	: and
Filed: August 21, 2002	: NOTICE OF INTENT TO ISSUE
Attorney Docket No. STD 1107 PA	: CERTIFICATE OF CORRECTION

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 CFR §1.705(d)", filed May 24, 2011, requesting that the patent term adjustment indicated on the above-identified patent be corrected from three thousand four hundred eight (3408) days to two thousand seven hundred thirty-three (2733) days.

The petition to correct the patent term adjustment indicated on the above-identified patent is **GRANTED**.

On May 24, 2011, the instant application matured into U.S. Patent No. 7,949,539 with a patent term adjustment of three thousand four hundred eight (3408) days. The Office determined a patent term adjustment of 3408 days based upon 1345 days of Office delay pursuant to 37 CFR 1.703(a)(1) and 1254 days pursuant to 37 CFR 1.703(b), and 848 days pursuant to 37 CFR 1.703(e) reduced by 39 days of Applicant delay pursuant to 37 CFR 1.704(b).

Patentee is correct that overlap between "A" and "B" delay was not subtracted from the patent term adjustment. Overlap between "A" and "B" delay began on August 22, 2005 and ended on June 27, 2007, and is 675 days. Therefore, 675 days should have been subtracted from the 3408 days of patent term adjustment.

In view thereof, the correct number of days of patent term adjustment is **two thousand seven hundred thirty-three (2733)** days (1345 days of "A" delay, 1254 days of "B" delay, 848 days of "C" delay, reduced by 39 days of Applicant delay and 675 days of overlap between "A" and "B" delay).

The application is being forwarded to the Certificate of Corrections Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **two thousand seven hundred thirty-three (2733) days**.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Cliff Congo, at (571) 272-3207.



Anthony Knight
Director
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
DRAFT CERTIFICATE OF CORRECTION

PATENT : 7,949,539 B2

DATED : May 24, 2011

INVENTOR(S) : Mitchell et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 3408 days.

Delete the phrase "by 3408 days" and insert – by 2733 days--

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6843574	2005-01-18	10225081	2002-08-20	TSP-104

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|----------------------------------|-----------|--------|
| <input checked="" type="radio"/> | 3 ½ year | (1551) |
| <input type="radio"/> | 7 ½ year | (1552) |
| <input type="radio"/> | 11 ½ year | (1553) |

Small Entity

- | | Fee | Code |
|-----------------------|-----------|--------|
| <input type="radio"/> | 3 ½ year | (2551) |
| <input type="radio"/> | 7 ½ year | (2552) |
| <input type="radio"/> | 11 ½ year | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/Kendal M. Sheets/	Date (YYYY-MM-DD)	2010-09-28
Name	Kendal M. Sheets	Registration Number	47077
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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United States Patent and Trademark Office
P.O. Box 1450
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In re Patent No. 6843574 :
Issue Date: January 18, 2005 :
Application No. 10225081 :DECISION GRANTING PETITION
Filed: August 20, 2002 :UNDER 37 CFR 1.378(c)
Attorney Docket No. TSP-104 :

This is a decision on the electronic petition, filed September 30, 2010, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of September 30, 2010. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/225,289	08/22/2002	Masashi Kinoshita	259759/01	3558
21254 7590 12/09/2011 MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			EXAMINER HUANG, WEN WU	
			ART UNIT 2618	PAPER NUMBER
			MAIL DATE 12/09/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA VA 22182-3817

In re Application of: **KINOSHITA, MASASHI**
Application Serial No.: **10/225,289**
Filed: **August 22, 2002**
For: **MOBILE TERMINAL DEVICE AND METHOD FOR
RECORDING AND PROCESSING TELEPHONE CALL**
Attorney Docket No.: **259759/01**

DECISION
ON PETITION

This is a decision on the petition, filed March 31, 2008, to withdraw the finality of the Office action pursuant to 37 CFR § 1.181.

Petitioner alleged that the Office action dated March 21, 2008 was prematurely made final under MPEP § 706.07(a), because it introduced a new ground of rejection that was neither necessitated by applicant's amendment of the claims, nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).

Petitioner sought the withdrawal of the finality of the Office action of March 21, 2008.

BACKGROUND

The application file shows in an that in a telephone interview held on May 29, 2008 a Technology Center Quality Assurance Specialist agreed that the finality of the action was improper and was withdrawn and a new Office action would be mailed. On June 23, 2008, applicant filed a notice of appeal, obviating the need for the replacement action. The appeal proceeded and the rejections of all claims were affirmed in a decision mailed July 18, 2011. The application was held abandoned on October 13, 2011.

DECISION

Applicant proceeded to appeal without having received a replacement for the improperly final action. Accordingly, the petition to withdraw finality is **DISMISSED AS MOOT**.

Any inquiry regarding this decision should be directed to Daniel Swerdlow, Quality Assurance Specialist, at (571) 272-7531.

/Daniel Swerdlow/

Daniel Swerdlow, Quality Assurance Specialist
Technology Center 2600
Communications



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/225,410	08/20/2002	Paul A. Blair	026595-003400US	3266

20350	7590	05/16/2011
KILPATRICK TOWNSEND & STOCKTON LLP		
TWO EMBARCADERO CENTER		
EIGHTH FLOOR		
SAN FRANCISCO, CA 94111-3834		

EXAMINER	
OYEBISI, OJO O	

ART UNIT	PAPER NUMBER
3695	

NOTIFICATION DATE	DELIVERY MODE
05/16/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docket@kilpatricktownsend.com
ipefiling@kilpatricktownsend.com
jlhice@kilpatrick.foundationip.com



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MAY 13 2011

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KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

In re Application of:
Blair et al.

Application No. 10/225,410

Filed: August 20, 2002

For: MULTI-PURPOSE KIOSK AND
METHODS

**DECISION ON PETITION
UNDER 37 CFR 1.181**

This is in response to the petition filed under 37 CFR 1.181, received December 29, 2009, requesting new grounds of rejection be designated in the Examiner's Answer mailed October 29, 2009. The delay in treating this petition is regretted.

In light of the fact that a Decision on Appeal affirming the examiner's rejection of claims 19-31 was rendered on February 7, 2011, the petition is **DISMISSED as MOOT**.

Any inquiries regarding this decision should be directed to Teri P. Luu, Quality Assurance Specialist, at (571) 272-7045


Wynn Coggins, Director
Patent Technology Center 3600
(571) 272-5350

WC/tl: 05/10/11
72



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MAILED

OCT 29 2010

OFFICE OF PETITIONS

CALFEE HALTER & GRISWOLD, LLP
800 SUPERIOR AVENUE
SUITE 1400
CLEVELAND, OH 44114

In re Patent No. 7,321,176 :
Issue Date: January 22, 2008 :
Application No. 10/225,469 : **ON PETITION**
Filed: August 21, 2002 :
Attorney Docket No. 12873/04305 :

This is a decision on the petition filed September 2, 2010, which is being treated as a petition under 37 CFR 3.81(b) to correct the name of the assignee on the front page of the above-identified patent by way of a certificate of correction.

The petition is **DISMISSED**.

Petitioner requests issuance of a certificate of correction in the name of "Invacare Corporation and Strothmann Thomas."

37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 **before issuance of the patent**, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter [emphasis added]. *See also* MPEP 1481.01.

U.S. Patent and Trademark Office assignment records disclose that a corrective assignment from Thomas Strothmann to Invacare Corporation and Thomas Strothmann was recorded on August 13, 2010, **after the date of issuance of this patent**. Accordingly, since the assignment was not submitted for recordation until after issuance of this patent, issuance of a certificate of correction would not be proper.

Telephone inquiries concerning this decision on petition should be directed to Alicia Kelley at (571) 272-6059.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions



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CALFEE HALTER & GRISWOLD, LLP
800 SUPERIOR AVENUE
SUITE 1400
CLEVELAND, OH 44114

MAILED

JUN 02 2011

OFFICE OF PETITIONS

In re Patent No. 7,321,176 :
Issue Date: January 22, 2008 :
Application No. 10/225,469 :
Filed: August 21, 2002 :
Attorney Docket No. 12873/04305 :

ON PETITION

This is a decision on the renewed petition filed February 28, 2011, which is being treated as a petition under 37 CFR 3.81(b)¹ to correct the assignee's name on the Fee(s) Transmittal form PTOL-85(b) by way of a certificate of correction in the patent.

The petition is **GRANTED**.

Petitioner states that the correct assignee's names are Strothmann Thomas and Invacare Corporation. The assignee's name was not correctly identified on the Fee(s) Transmittal form PTOL-85(b) at the time of payment of the issue fee. Accordingly, petitioner requests that a certificate of correction be issued to reflect the correct assignee on the front page of the Letters Patent.

37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 **before issuance of the patent**, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter [emphasis added]. See also MPEP 1481.01.

While U.S. Patent and Trademark Office assignment records disclose that a corrective assignment was recorded on August 13, 2010, the original assignment document recorded on November 29, 2006, is accurate as it set forth both of the assignee names. Thomas Strothmann and Invacare Corporation were the assignee of record before issuance of the patent.

¹ See MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

The request submitted on September 2, 2010, was accompanied by a certificate of correction and fee as required by 3.81(b). Accordingly, as the request complies with the provisions of 37 CFR 3.81(b), it is appropriate for a certificate of correction to be processed.

Inquiries concerning this decision should be directed to Alicia Kelley-Collier at (571) 272-6059. Any questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

This matter is being referred to the Certificates of Correction Branch for processing of a certificate of correction.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions



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COHEN & GRIGSBY, P.C.
625 LIBERTY AVENUE
PITTSBURGH PA 15222-3152

MAILED

MAY 09 2011

In re Application of

KEYS, Philip

Application No. 10/225,684

Filed: August 22, 2002

Attorney Docket No. **07-275**

OFFICE OF PETITIONS

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 05, 2011.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 C.F.R. 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the change of address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under C.F.R. 3.71, who has properly intervened by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **MEDKEEPER**
9191 SHERIAN BOULEVARD, #103
WESTMINSTER, CO 80031

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	10225684	
Filing Date	22-Aug-2002	
First Named Inventor	Philip Keys	
Art Unit	3686	
Examiner Name	LINH GIANG LE	
Attorney Docket Number	07-275	
Title	System, method and computer program for monitoring and managing medications	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 30058		
The reason(s) for this request are those described in 37 CFR: 10.40(c)(5)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Keystone Therapeutics, Inc.	
Address	2736 Bingham Drive	
City	Pittsburgh	
State	PA	
Postal Code	15241	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/Christy G. Rothwell/
Name	Christy G. Rothwell
Registration Number	55936



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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Decision Date : May 12,2011

In re Application of :

Philip Keys

Application No : 10225684

Filed : 22-Aug-2002

Attorney Docket No : 07-275

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed May 12,2011

The request is **APPROVED**.

The request was signed by Christy G. Rothwell (registration no. 55936) on behalf of all attorneys/agents associated with Customer Number 30058 . All attorneys/agents associated with Customer Number 30058 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name Keystone Therapeutics, Inc.

Name2

Address 1 2736 Bingham Drive

Address 2

City Pittsburgh

State PA

Postal Code 15241

Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



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MCCARTER & ENGLISH, LLP BOSTON
265 Franklin Street
Boston MA 02110

MAILED

MAR 11 2011

In re Application	:	OFFICE OF PETITIONS
Hamilton, et al.	:	
Application No. 10/225,769	:	PATENT TERM ADJUSTMENT
Filing or 371(c) Date: August 22, 2002	:	
Dkt. No.: 117745-00127	:	

This is in response to the application for patent term adjustment under 37 CFR 1.705(b), filed February 9, 2011.

Applicant submits that the correct patent term adjustment to be indicated on the patent is 665 days, not 284 days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction on the basis that the Office will take in excess of three years to issue this patent.

Insofar as the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is DISMISSED as PREMATURE.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See, § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Applicant is advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the

patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee¹.

Receipt is hereby acknowledged of the required patent term adjustment application fee under 37 CFR 1.705(b) of \$200.00. See, 37 CFR 1.18(e).

However, any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and **must** include payment of the required fee under 37 CFR 1.18(e).

The application file is being forwarded to the Office of Data Management for issuance of the patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

¹ For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.



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EDWARD R. AESCH
8028 BLK HVS. PK.
W. ATLANTIC CITY NJ 08232

MAILED

SEP 10 2010

OFFICE OF PETITIONS

In re Patent No. 6,774,296
Issue Date: August 10, 2004
Application No. 10/225,831
Filed: August 22, 2002
Patentee(s) Edward R. Aesch

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:
:
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ON PETITION

This is a decision on the petition under 37 CFR 1.378(c), filed July 14, 2010, to accept the delayed payment of a maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is hereby accepted and the above-identified patent is reinstated as of the mail date of this decision.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.


Irvin Dingle
Petitions Examiner
Office of Petitions



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P.O. Box 1450
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TEXAS INSTRUMENTS INCORPORATED
P.O. BOX 655474, M/X 3999
DALLAS TX 75265

MAILED

FEB 15 2011

OFFICE OF PETITIONS

In re Application of :
SCHEFFLER :
Application No. 10/225,837 : DECISION ON PETITION
Filed: August 22, 2002 :
Attorney Docket No. TI-31105 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 26, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The two-month period for filing an appeal brief under 37 CFR 41.37 (accompanied by the fee required by 37 CFR 41.20(b)(2)), runs from the date of this decision.

This application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of November 7, 2006. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is February 8, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Notice of Appeal; (2) the petition fee of \$1500; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to Technology Center AU 2611 to await the filing of an appeal brief or for such other appropriate reply as may be submitted to continue prosecution of the application.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6662490	2003-12-16	10225894	2002-08-22	1024

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|---------------------------------|-----|--------|
| <input type="radio"/> 3 ½ year | | (1551) |
| <input type="radio"/> 7 ½ year | | (1552) |
| <input type="radio"/> 11 ½ year | | (1553) |

Small Entity

- | | Fee | Code |
|---|-----|--------|
| <input type="radio"/> 3 ½ year | | (2551) |
| <input checked="" type="radio"/> 7 ½ year | | (2552) |
| <input type="radio"/> 11 ½ year | | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☐ An attorney or agent registered to practice before the Patent and Trademark Office
- ☒ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

Sole Patentee			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature.			
Signature	/Harold W. Aesch, Jr./	Date (YYYY-MM-DD)	2012-01-25
Name	Harold W. Aesch, Jr.		
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Patent No. 6662490 :
Issue Date: December 16, 2003 :
Application No. 10225894 :DECISION GRANTING PETITION
Filed: August 22, 2002 :UNDER 37 CFR 1.378(c)
Attorney Docket No. 1024 :

This is a decision on the electronic petition, filed January 25, 2012, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of January 25, 2012. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6828784	2004-12-07	10226404	2002-08-22	

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|----------------------------------|-----------|--------|
| <input checked="" type="radio"/> | 3 ½ year | (1551) |
| <input type="radio"/> | 7 ½ year | (1552) |
| <input type="radio"/> | 11 ½ year | (1553) |

Small Entity

- | | Fee | Code |
|-----------------------|-----------|--------|
| <input type="radio"/> | 3 ½ year | (2551) |
| <input type="radio"/> | 7 ½ year | (2552) |
| <input type="radio"/> | 11 ½ year | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/Benoit Castel/	Date (YYYY-MM-DD)	2010-12-01
Name	Benoit CASTEL	Registration Number	35041
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

Privacy Act Statement

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3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
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5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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In re Patent No. 6828784 :
Issue Date: December 7, 2004 :
Application No. 10226404 :DECISION GRANTING PETITION
Filed: August 22, 2002 :UNDER 37 CFR 1.378(c)
Attorney Docket No. 139-017 :

This is a decision on the electronic petition, filed December 1, 2010, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of December 1, 2010. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Patent No. 7002773 :
Issue Date: February 21, 2006 :
Application No. 10226874 :DECISION GRANTING PETITION
Filed: August 22, 2002 :UNDER 37 CFR 1.378(c)
Attorney Docket No. 139-012CIP :

This is a decision on the electronic petition, filed December 8, 2010, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of December 8, 2010. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

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PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
7002773	2006-02-21	10226874	2002-08-22	

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|----------------------------------|-----------|--------|
| <input checked="" type="radio"/> | 3 ½ year | (1551) |
| <input type="radio"/> | 7 ½ year | (1552) |
| <input type="radio"/> | 11 ½ year | (1553) |

Small Entity

- | | Fee | Code |
|-----------------------|-----------|--------|
| <input type="radio"/> | 3 ½ year | (2551) |
| <input type="radio"/> | 7 ½ year | (2552) |
| <input type="radio"/> | 11 ½ year | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

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I certify, in accordance with 37 CFR 1.4(d)(4) that I am

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- ☐ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
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- ☐ The assignee of record of the entire interest

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Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/Benoit Castel/	Date (YYYY-MM-DD)	2010-12-08
Name	Benoit CASTEL	Registration Number	35041
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

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5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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**AGILENT TECHNOLOGIES, INC. IN CARE OF:
CPA GLOBAL
P. O. BOX 52050
MINNEAPOLIS MN 55402**

MAILED

MAR 23 2011

OFFICE OF PETITIONS

In re Application of	:	
Hogrefe et al.	:	
Application No. 10/227,110	:	DECISION ON PETITION
Filed: August 23, 2002	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 10070546-01	:	

This is a decision on the petition, filed February 4, 2011, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704. No additional petition fee is required.

Petitioner states that the instant non-provisional application is the subject of an application filed in a foreign country and the U. S. Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in a foreign country. A review of the file record shows that a Request to Rescind was filed on February 4, 2011. However, petitioner has not provided the application number of the foreign application. Before a proper determination on the merits of the petition can be decided, petitioner must clearly identify the foreign application to be considered under 37 CFR 1.137(b).

Further, the address given on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.



Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Cynthia Zhang
5301 Stevens Creek Blvd.
Santa Clara, CA 95051



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**AGILENT TECHNOLOGIES, INC. IN CARE OF:
CPA GLOBAL
P. O. BOX 52050
MINNEAPOLIS MN 55402**

MAILED

MAY 20 2011

In re Application of	:	OFFICE OF PETITIONS
Hogrefe et al.	:	
Application No. 10/227,110	:	DECISION ON PETITION
Filed: August 23, 2002	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 10070546-01	:	

This is a decision on the renewed petition, filed May 3, 2011, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on December 17, 2002. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

- (1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17(m); and
- (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

This application matured into Patent No. 7,932,070 on April 26, 2011. Therefore, no further action is required.

Further, the address given on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Cynthia H. Zhang
5301 Stevens Creek Blvd.
Santa Clara, CA 95051



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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In re Patent No. 6890174 :
Issue Date: May 10, 2005 :
Application No. 10227267 :DECISION GRANTING PETITION
Filed: August 26, 2002 :UNDER 37 CFR 1.378(c)
Attorney Docket No. P07722US00/DEJ :

This is a decision on the electronic petition, filed May 9, 2011, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of May 9, 2011. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6,890,174	2005-05-10	10/227,267	2002-08-26	P07722US00/DEJ

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|-----------------------|-----------|--------|
| <input type="radio"/> | 3 ½ year | (1551) |
| <input type="radio"/> | 7 ½ year | (1552) |
| <input type="radio"/> | 11 ½ year | (1553) |

Small Entity

- | | Fee | Code |
|----------------------------------|-----------|--------|
| <input checked="" type="radio"/> | 3 ½ year | (2551) |
| <input type="radio"/> | 7 ½ year | (2552) |
| <input type="radio"/> | 11 ½ year | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/Douglas E. Jackson/	Date (YYYY-MM-DD)	2011-05-09
Name	Douglas E. Jackson	Registration Number	28518
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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PERLE, LLP
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FLOOR
STAMFORD CT 06901

MAILED

SEP 16 2011

OFFICE OF PETITIONS

In re Application of	:	
Novoselsky, et al.	:	DECISION ON APPLICATION
Application No. 10/227,361	:	FOR
Filed: August 26, 2002	:	PATENT TERM ADJUSTMENT
Docket No. 0005769USU/4247	:	

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR 1.705(b) AND PETITION UNDER 37 C.F.R. 1.182 FOR QUESTIONS NOT SPECIFICALLY CALLED FOR," filed May 16, 2011. Applicants request that the initial determination of patent term adjustment be corrected from eight hundred thirty-six (836) days to one thousand five hundred seventy-nine (1579) days.

The request for correction of the initial determination of patent term adjustment (PTA) under 37 CFR 1.705(b) and 37 CFR 1.182 is **dismissed**.

On February 16, 2011, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 836 days. On May 16, 2011, applicants timely¹ submitted an application for patent term adjustment. The Office acknowledges receipt of the \$200.00 fee under 37 CFR 1.18(e). This fee is required and will not be refunded.

Applicants state that this patent is not subject to a terminal disclaimer.

¹ The Issue Fee payment was also received on May 16, 2011.

Applicants argue the Office failed to enter a 743 day adjustment for the delay in mailing a corrected notice of allowance on February 16, 2011, after a petition requesting withdrawal of the holding of abandonment was filed on February 4, 2009. A notice of allowance was mailed on October 10, 2008. The notice of allowance was not received at the correspondence address of record. On February 4, 2009, applicants filed a petition to withdraw the holding of abandonment, which was granted on March 25, 2009. Unfortunately, a corrected notice of allowance was not mailed until May 16, 2011. Applicants argue a 743 day adjustment, measured from February 4, 2009, the date the petition to withdraw the holding of abandonment was filed, until February 16, 2011, the date a corrected notice of allowance was mailed, should be entered.

There was no Office delay, within the meaning of 35 U.S.C. 154(b)(1)(A)(ii), in taking action in response to the date on which a reply was filed in this application.

35 U.S.C. 154(b)(1)(A) provides, in pertinent part, that:

Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to the failure of the Patent and Trademark Office to -

...

(ii) respond to a reply under section 132, or to an appeal taken under section 134, within 4 months after the date on which the reply was filed or the appeal was taken;

37 CFR 1.702(a) provides, in pertinent part that subject to the provisions of 35 U.S.C. 154(b) and this subpart, the term of an original patent shall be adjusted if the issuance of the patent was delayed due to the failure of the Office to:

(2) Respond to a reply under 35 U.S.C. 132 or to an appeal taken under 35 U.S.C. 134 not later than four months after the date on which the reply was filed or the appeal was taken;

As applicants noted, there is no express language in 35 U.S.C. 154(b)(1)(A)(ii) or 37 CFR 1.702(a)(2) that addresses the proposed adjustment. The rules do not speak to delay in re-mailing an Office action after a petition is granted. The Office was not on a clock until the corrected notice of allowance was mailed.

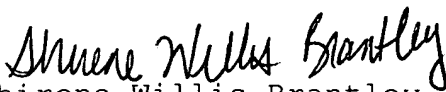
If a RCE had not been filed, applicants would have recouped some time for the over three year to issue guarantee of 35 U.S.C. § 154(b)(1)(B). However, a RCE was filed. This is one of the unfortunate situations that are not compensable.

Relief under 37 CFR 1.182 is not warranted. The Office has not determined that the circumstances of the delay constitute a circumstance warranting a period of adjustment for Office delay.

In view thereof, the correct determination of PTA at the time of the mailing of the notice of allowance remains EIGHT HUNDRED THIRTY-SIX (836) days (948 days for Office delay minus 112 days for applicant delay).

The application is being forwarded to the Office of Data Management for issuance of the application. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3230.


Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions



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500 WEST MADISON STREET
SUITE 3400
CHICAGO IL 60661

MAILED

SEP 27 2010

OFFICE OF PETITIONS

In re Application of	:
Chang, et al.	:
Application No. 10/228,165	:
Filed: August 26, 2002	:
Attorney Docket Number: 17594US02	:
	ON REQUEST FOR
	RECONSIDERATION OF
	PATENT TERM ADJUSTMENT

This is a decision on the petition under 37 CFR 1.705(b), filed July 29, 2010. Applicants believe that they should be accorded additional PTA of 518 days. Applicants request this correction solely on the basis that the Office will take in excess of three years to issue this patent.

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment solely as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file a request for reconsideration of patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicants are advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee¹.

In view thereof, the correct determination of PTA prior to issuance is **two thousand thirty-two (2032) days** (2068 days of PTO delay, reduced by 36 days of Applicant delay).

Receipt of the \$200.00 fee set forth in 37 CFR 1.18(e) is acknowledged.

The application is being forwarded to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to Petitions Attorney Cliff Congo at (571) 272-3207.



Anthony Knight
Director
Office of Petitions

¹ For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.



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CHICAGO IL 60661

MAILED
MAR 28 2011
OFFICE OF PETITIONS

In re Patent No. 7,826,493	: DECISION ON
Change, et al.	: REQUEST FOR RECONSIDERATION
Application No. 10/228,165	: of PATENT TERM ADJUSTMENT
Issue Date: November 2, 2010	: and
Filed: August 26, 2002	: NOTICE OF INTENT TO ISSUE
Attorney Docket No. 17594US02	: CERTIFICATE OF CORRECTION

This is a decision on the "APPLICATION FOR RECONSIDERATION OF THE PATENT TERM ADJUSTMENT UNDER 35 U.S.C. § 154(b) INDICATED IN THE PATENT (37 CFR § 1.705(d))", filed January 3, 2011, requesting that the patent term adjustment indicated on the above-identified patent be corrected from two thousand seven hundred nineteen (2719) days to three thousand four hundred ninety-one (3491) days.

The petition is **GRANTED to the extend indicated herein.**

On November 2, 2010, the instant application matured into U.S. Patent No. 7,826,493 with a patent term adjustment of 2719 days. The Office determined a patent term adjustment of 2719 days based upon 1069 days of Office delay pursuant to 37 CFR 1.703(a)(1), 724 days pursuant to 37 CFR 1.703(b), and 999 days pursuant to 37 CFR 1.703(e), reduced by 5 and 31 days of Applicant delay pursuant to 37 CFR 1.704(b), and 37 days of Applicant delay pursuant to 37 CFR 1.704(c)(10).

Patentees are correct that the proper amount of days over 36 months from the filing date of the application until the issue date of the patent was not included in the "B" delay period. The over three year period began on August 27, 2005 and ended on August 6, 2007 (the date Applicant filed a Notice of Appeal), and resumed on May 1, 2010 (the date after the Board mailed a decision favorable to Applicant) and ended on November 2, 2010 (the patent issue date). As such, the total "B" delay period is 895 days, and the "C" delay period (August 6, 2007 to April 30, 2010) is 999 days.

However, Patentees are not correct in their assertion that Applicant delay should be 36 days instead of 37 days for the filing of a Rule 312 Amendment on August 9, 2010. 37 CFR 1.704(c)(10) states that the filing of a Rule 312 Amendment shall result in reduction of the patent term adjustment, and that the reduction shall be the lesser of:

- (i) The number of days, if any, beginning on the date the amendment under § 1.312 or other paper was filed and ending on the mailing date of the Office action or notice in response to the amendment under § 1.312 or such other paper; or
- (ii) Four months;

Here, the Rule 312 Amendment was filed on August 9, 2010. The Office mailed a response on September 14, 2010. Therefore, the number of days from and including August 9, 2010 to and including September 14, 2010 is 37 days. Patentees' arguments with respect to this calculation have been considered, but are not persuasive.

In view thereof, the correct number of days of patent term adjustment is 2491 days (1069 days of "A" delay, 895 days of "B" delay, and 999 days of "C" delay, reduced by 73 days of Applicant delay and 399 days of overlap between "A" and "B" delay).

Receipt of the \$200.00 fee set forth in 37 CFR 1.18(e) is acknowledged.

The application is being forwarded to the Certificate of Corrections Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **two thousand four hundred ninety-one (2491)** days.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Cliff Congo, at (571) 272-3207.



Anthony Knight
Director
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
DRAFT CERTIFICATE OF CORRECTION

PATENT : 7,826,493 B2

DATED : November 2, 2010

INVENTOR(S) : Chang et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 2719 days.

Delete the phrase "by 2719 days" and insert – by 2491 days--



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PHILADELPHIA PA 19104-2891

MAILED

MAR 29 2011

OFFICE OF PETITIONS

In re Application of :
Hank F. KUNG et al. :
Application No. 10/228,275 : **NOTICE UNDER 37 CFR. 1.28(c)**
Patent No. 7,250,525 :
Filed: August 27, 2002 :
Attorney Docket No. 1694.0400001/JMC/BLS :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Inquiries related to this communication should be directed to Michelle R. Eason at (571) 272-4231.

Thurman K. Page
Petitions Examiner
Office of Petitions



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CONNOLLY BOVE LODGE & HUTZ LLP
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SUITE 1100
WASHINGTON, DC 20006

MAILED

SEP 14 2010

In re Application of
Vic Jira, et al.
Application No. 10/228,280
Filed: August 27, 2002
Attorney Docket No. 22220-00005-US1

OFFICE OF PETITIONS
DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 5, 2010.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request to withdraw less than all attorneys appointed by customer number 30678 cannot be approved. The addition and/or deletion of a practitioner from the list of practitioners associated with a Customer Number should be made by submitting a "Request for Customer Number Data Change" (PTO/SB/124) which will result in the addition or deletion of such practitioner from the list of persons authorized to represent any applicant or assignee of the entire interest who appointed all of the practitioners associated with such Customer Number. See MPEP 403 Section I. Customer Number Practice.

The Office will no longer accept address changes to a new practitioner of law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest whose properly became of record under 37 CFR 3.71 or, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request is unsigned nor does it include an acceptable current correspondence address for future communications from the Office.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. wise
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

MAILED

MAY 13 2011

OFFICE OF PETITIONS

Mr. Alejandro Porrata
2333 Bricknell Avenue #TD
Miami, Florida 33129

In re Application of :
Alejandro PORRATA et al. : DECISION GRANTING PETITION
Application No. 10/228,395 : UNDER 37 CFR 1.137(b)
Filed: 27 August 2002 :

This is a decision on the Renewed Petition under 37 CFR 1.137(b), filed October 22, 2010, to revive the above-identified application.

The petition is **GRANTED**.

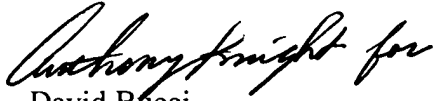
The application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed March 22, 2006, which set a shortened statutory period of reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on June 23, 2006.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of a Response to the final Office action, (2) a petition fee of \$810 (small entity), and (3) a statement of unintentional delay. The reply to the final Office action is accepted as having been unintentionally delayed.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries relating to this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

The application file will be referred to Technology Center Art Unit 3772 for further action on the filed Response.

A handwritten signature in black ink, appearing to read "David Bucci for".

David Bucci
Petitions Examiner
Office of Petitions

cc: Alejandro Porrata
Managing Partner
Porrata Group LLC
2333 Bricknell Avenue
Suite Terrace D
Miami, Florida 33129



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**HEWLETT-PACKARD COMPANY
INTELLECTUAL PROPERTY ADMINISTRATION
3404 E. HARMONY ROAD
MAIL STOP 35
FORT COLLINS CO 80528**

MAILED

JAN 11 2011

OFFICE OF PETITIONS

In re Application of :
Chi-LieWANG, et al :
Application No. 10/228,492 : **DECISION ON PETITION**
Filed: August 27, 2002 :
Attorney Docket No. 06-591 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 6, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the publication fee on or before November 3, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed August 3, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on November 4, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1510; (2) the petition fee of \$1620; and (3) the required statement of unintentional delay.

The petition fee of \$1620 under of provisions of 37 CFR 1.17(m) has been charged as authorized.

The Power of Attorney filed with the petition on December 6, 2010, has been accepted.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that

such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

The application is being referred to the Office of Data Management for processing into a patent.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/228,492	08/27/2002	Chi-Lie Wang	06-591

22879
HEWLETT-PACKARD COMPANY
Intellectual Property Administration
3404 E. Harmony Road
Mail Stop 35
FORT COLLINS, CO 80528

CONFIRMATION NO. 8648
POA ACCEPTANCE LETTER



Date Mailed: 01/06/2011

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/06/2010.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/228,492	08/27/2002	Chi-Lie Wang	06-591

CONFIRMATION NO. 8648

POWER OF ATTORNEY NOTICE



20306
MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO, IL 60606

Date Mailed: 01/06/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/06/2010.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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Mark B. Wilson
FULBRIGHT & JAWORSKI L.L.P.
Suite 2400
600 Congress Avenue
Austin TX 78701

MAILED

SEP 10 2010

OFFICE OF PETITIONS

In re Patent No. 7,452,630	:	
Thackery, et al.	:	DECISION DISMISSING
Application No. 10/228,734	:	REQUEST FOR
Issue Date: November 18, 2008	:	RECONSIDERATION OF
Filed: August 27, 2002	:	PATENT TERM ADJUSTMENT
Attorney Docket No.	:	UNDER 37 CFR 1.705
ADAA:105USC1	:	

This is in response to the "Petition for Patent Term Adjustment under 37 CFR 1.182" filed July 6, 2010. The petition is properly treated under 37 CFR 1.705(d). Patentees requests that the determination of patent term adjustment be corrected from nine hundred and thirty-six (936) days to one thousand, three hundred and sixty-three (1,363) days.

The request for reconsideration of patent term adjustment is **DISMISSED** with respect to making any change in the patent term adjustment determination under 35 U.S.C. § 154(b) of 936 days.

No consideration will be given to patentees' assertion that 426 additional days of adjustment to the patent term should be entered. As stated in MPEP 2730, § 1.703(d) provides that:

If there is a revision to the patent term adjustment indicated in the notice of allowance, the patent will indicate the revised patent term adjustment. If the patent indicates or should have indicated a revised patent term adjustment, any request for reconsideration of the patent term adjustment indicated in the patent must be filed within two months of the date the patent issued and must comply with the requirements of paragraphs (b)(1) and (b)(2) of this section. Any request for reconsideration

under this section that raises issues that were raised, or could have been raised, in an application for patent term adjustment under paragraph (b) of this section shall be dismissed as untimely as to those issues.

PALM records indicate that the subject patent issued November 18, 2008. An application for patent term adjustment under 37 CFR 1.1705(d) was not filed within two months of the date of issuance of the patent. The period for filing an application for patent term adjustment requesting reconsideration of the revised determination of patent term adjustment at the time of issuance of the patent ended January 18, 2009. Accordingly, the petition under 37 CFR 1.705(d) is dismissed as untimely filed.

It is also noted that the instant petition cannot be treated under the limited provisions provided for in view of the decision in *Wyeth v. Kappos*. On February 1, 2010, the USPTO published a Federal Register notice that, *inter alia*, announced a limited waiver of the two-month deadline for filing a petition for reconsideration of a PTA determination under 37 CFR § 1.705(d). See *Interim Procedure for Patentees to Request a Recalculation of the Patent Term Adjustment to Comply with the Federal Circuit Decision in Wyeth v. Kappos Regarding Overlapping Delay Provisions of 35 U.S.C. § 154(b)(2)(A)*, 75 Fed. Reg. 5043 (Feb. 1, 2010) (notice). Specifically, patent owners were permitted to request recalculation of a patent's PTA in view of the Federal Circuit decision *Wyeth v. Kappos*, 591 F.3d 1364 (Fed. Cir. 2010) up to 180 days after the grant of the patent. The USPTO determined not accept any requests for PTA recalculation initially filed more than 180 days after patent grant, however, in view of the statutory judicial-review provisions of 35 U.S.C. sec. 154(b)(4), which require that any civil action to challenge the USPTO's PTA determination be brought within 180 days of patent grant. The USPTO believes that the statutory 180-day period for seeking court review of the USPTO's PTA determinations, particularly in view of the six-year statute of limitations that otherwise is applicable for actions under the Administrative Procedure Act, indicates a congressional intent that PTA issues be resolved shortly after a patent issues. The USPTO does not consider it likely that Congress created a scheme under which the time period to seek initial USPTO review of a PTA determination extends beyond the time period provided for a dissatisfied patentee to seek judicial review of the USPTO's PTA determination. Thus, the USPTO believes that the 180-day period in 35 U.S.C. § 154(b)(4)

represents the outer limit on the USPTO's ability to consider a patentee's initial request for PTA determination {to conclude its PTA determination}.

In view thereof, the Office affirms that the revised determination of patent term adjustment at the time of the issuance of the patent is 936 days..

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



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FULBRIGHT & JAWORSKI L.L.P.
Suite 2400
600 Congress Avenue
Austin TX 78701

MAILED

MAR 22 2011

OFFICE OF PETITIONS

In re Application of :
Michael M. Thackeray et al. :
Application No. 10/228,734 : DECISION ON PETITION
Filed: August 27, 2002 :
Attorney Docket No. ADAA:105USC1 :

This is a decision on the petition under 37 CFR 1.59(b), filed November 10, 2010, to expunge information from the above identified application and the Request for Refund.

The petition under 37 CFR 1.59(b) is dismissed.

The Request for Refund is granted.

Petitioner requests that the Petition filed under 37 CFR 1.182 (EFS ID No. 8803136) filed on November 9, 2010, be expunged from the record and the petition fee of \$130 be refunded.

The petition is deficient because there is no statement that:

- (B) the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted;
- (C) the information has not otherwise been made public;
- (D) there is a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted.

Petitioner is directed to MPEP 724.05(II) and (III).

The request for refund of \$130 petition fee is granted. The fee is refunded to petitioner's credit card account.

Telephone inquiries concerning this communication should be directed to Carl Friedman at (571) 272-6842.

A handwritten signature in black ink, appearing to be 'Carl Friedman', with a long horizontal stroke extending to the right.

Carl Friedman
Petitions Examiner
Office of Petitions



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FULBRIGHT & JAWORSKI L.L.P.
Suite 2400
600 Congress Avenue
Austin TX 78701

MAILED
MAR 28 2011
OFFICE OF PETITIONS

In re Patent No. 7,452,630 :
Thackery, et al. : DECISION ON REQUEST FOR
Issue Date: November 18, 2008 : PATENT TERM ADJUSTMENT
Application No. 10/228,734 :
Filed: August 27, 2002 :
Atty Docket No.ADA:105USC1 :

This is a decision on the "PETITION UNDER 37 C.F.R. § 1.182" filed November 9, 2010, requesting that the patent term adjustment determination for the above-identified patent be changed from nine hundred and thirty-six (936) days to one thousand, three hundred and sixty-three (1,363) days. Patentees request this correction on the basis that the Office took in excess of three years to issue this patent and in light of the Court of Appeals for the Federal Circuit's decision in *Wyeth v. Kappos*, 2009-1120 (Fed. Cir. 1-7-2010).

The petition is hereby **DENIED**. This decision is a final agency action within the meaning of 5 U.S.C. § 704 for purposes of seeking judicial review. See, MPEP 1002.02.

Your petition for recalculation/reconsideration of the USPTO's PTA determination for U.S. Patent No. 7,452,630 is dismissed as untimely. On February 1, 2010, the USPTO published a Federal Register notice that, *inter alia*, announced a limited waiver of the two-month deadline for filing a petition for reconsideration of a PTA determination under 37 CFR § 1.705(d). See Interim Procedure for Patentees to Request a Recalculation of the Patent Term Adjustment to Comply with the Federal Circuit Decision in *Wyeth v. Kappos* Regarding Overlapping Delay Provisions of 35 U.S.C. § 154(b)(2)(A), 75 Fed. Reg. 5043 (Feb. 1, 2010) (notice).

Specifically, patent owners were permitted to request recalculation of a patent's PTA in view of the Federal Circuit

decision *Wyeth v. Kappos*, 591 F.3d 1364 (Fed. Cir. 2010) up to 180 days after the grant of the patent. The USPTO determined not to accept any requests for PTA recalculation initially filed more than 180 days after patent grant, however, in view of the statutory judicial review provisions of 35 U.S.C. § 154(b)(4), which require that any civil action to challenge the USPTO's PTA determination be brought within 180 days of patent grant. The USPTO believes that statutory 180-day period for seeking court review of the USPTO's PTA determinations, particularly in view of the six-year statute of limitations that otherwise is applicable for actions under the Administrative Procedure Act, indicates a congressional intent that PTA issues be resolved shortly after a patent issues. The USPTO does not consider it likely that Congress created a scheme under which the time period to seek initial USPTO review of a PTA determination extends beyond the time period provided for a dissatisfied patentee to seek judicial review of the USPTO's PTA determination. This, the USPTO believes that the 180-day period in 35 U.S.C. § 154(b)(4) represents the outer limit on the USPTO's ability to conclude its PTA determination.

The present renewed petition under 37 CFR 1.182 is granted to the extent that the decision of September 10, 2010, has been reconsidered; however, the renewed petition requesting reconsideration of the PTA determination more than 180 days after the patent grant is **DENIED**.

Telephone inquiries specific to this matter should be directed to Kenya A. McLaughlin, Petitions Attorney, (571) 272-3222.



Anthony Knight
Director
Office of Petitions



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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

MAILED

SEP 28 2010

OFFICE OF PETITIONS

In re Patent No. 7,771,928	: DECISION ON REQUEST
Issued: August 10, 2010	: FOR RECONSIDERATION
Application No. 10/229,020	: OF PATENT TERM ADJUSTMENT
Filed: August 28, 2002	: AND
Attorney Docket No. 227166USODIV	: NOTICE OF INTENT TO ISSUE
	: CERTIFICATE OF CORRECTION

This is a decision on the PETITION UNDER 37 C.F.R. §1.705(d) AND REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT filed on August 19, 2010, requesting that the patent term adjustment indicated on the above-identified patent be corrected from 1040 days to 1141 days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by one thousand one hundred twenty-four (1124) days is **GRANTED to the extent indicated herein**.

Patentees argue that the Office erred in determining the final patent term adjustment for two reasons: (1) the Office improperly reduced the patent term adjustment by 1 day for the timely payment of the Issue Fee on May 3, 2010, and (2) the Office improperly calculated the period of reduction under 37 CFR 1.704(c)(10) for the filing of the Request for Consideration of Request to Correct Inventorship filed on April 29, 2010, which was responded to on May 14, 2010.

With respect to the delay in payment of the issue fee, Applicant's arguments have been considered, but not found to be persuasive.

Rule 1.704(b) sets forth, in pertinent part:

an applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of time in excess of three months that are taken to reply to any notice or action by the Office making any rejection,

objection, argument, or other request, measuring such three-month period from the date the notice or action was mailed or given to the applicant, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date that is three months after the date of mailing or transmission of the Office communication notifying the applicant of the rejection, objection, argument, or other request and ending on the date the reply was filed. The period, or shortened statutory period, for reply that is set in the Office action or notice has no effect on the three-month period set forth in this paragraph.

The Notice of Allowance was mailed February 2, 2010 and the response was therefore due on May 2, 2010. May 2, 2010 was a weekend and thus, the response was received on May 3, 2010 which is three months and one day later. As such, a reduction of one day was assessed. Patentees cite 37 C.F.R. 1.7(a) and argues that "Whenever periods of time are specified in this part in days, calendar days are intended. When the day, or the last day fixed by statute or by or under this part for taking any action or paying any fee in the United States Patent and Trademark Office falls on Saturday, Sunday, or on a Federal holiday within the District of Columbia, the action may be taken, or the fee paid, on the next succeeding business day which is not a Saturday, Sunday, or a Federal holiday." (see also 35 U.S.C. 21) Accordingly, the Issue Fee being paid on Monday, May 3, 2010, (i.e., the next succeeding business day after the date an action is due) is timely and the patent term adjustment should not be reduced."

However, Patentee will note that 35 U.S.C. 154(b)(2)(C)(ii)¹ does not require that a reply be filed in the Office within its three (3) month grace period, but simply specifies that there is a patent term adjustment reduction if a reply is not filed within this three (3) month period. Therefore, the "carry-over" provisions of 35 U.S.C. § 21(b)² does not apply to the three (3) month period in 35 U.S.C. 154(b)(2)(C)(ii).

Additionally, Patentees are contesting the application of 37 CFR § 1.704(c)(10) for a reduction of 100 days due to the submission of a Request for Consideration of Request to Correct Inventorship filed on April 29, 2010, which was responded to on May 14, 2010.

¹ "With respect to adjustments to patent term made under the authority of paragraph (1)(B), an applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of time in excess of 3 months that are taken to respond to a notice from the Office making any rejection, objection, argument, or other request, measuring such 3-month period from the date the notice was given or mailed to the applicant."

² "When the day, or the last day, for taking any action or paying any fee in the United States Patent and Trademark Office falls on Saturday, Sunday, or a Federal holiday within the District of Columbia, the action may be taken, or fee paid, on the next succeeding secular or business day."

37 CFR § 1.704(c)(10) provides that:

Submission of an amendment under § 1.312 or other paper after a notice of allowance has been given or mailed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the lesser of:

(i) The number of days, if any, beginning on the date the amendment under § 1.312 or other paper was filed and ending on the mailing date of the Office action or notice in response to the amendment under § 1.312 or such other paper;

or

(ii) Four months;

As stated in MPEP 2732:

37 CFR 1.704(c)(10) establishes submission of an amendment under 37 CFR 1.312 or other paper after a notice of allowance has been given or mailed as a circumstance that constitutes a failure of an applicant to engage in reasonable efforts to conclude processing or examination of an application. The submission of amendments (or other papers) after an application is allowed may cause substantial interference with the patent issue process.

Certain papers filed after allowance are not considered to be a failure to engage in reasonable efforts to conclude processing or examination of an application. See *Clarification of 37 CFR 1.704(c)(10) – Reduction of Patent Term Adjustment for Certain Types of Papers Filed After a Notice of Allowance has been Mailed*, 1247 Off. Gaz. Pat. Office 111 (June 26, 2001). The submission of the following papers after a "Notice of Allowance" is not considered a failure to engage in reasonable efforts to conclude processing or examination of an application: (1) Fee(s) Transmittal (PTOL-85B); (2) Power of Attorney; (3) Power to Inspect; (4) Change of Address; (5) Change of Status (small/not small entity status); (6) a response to the examiner's reasons for allowance or a request to correct an error or omission in the "Notice of Allowance" or "Notice of Allowability;" and (7) letters related to government interests (e.g., those between NASA and the Office). Papers that will be considered a failure to engage in reasonable efforts to conclude processing or examination of an application include: (1) a request for a refund; (2) a status letter; (3) amendments under 37 CFR 1.312; (4) late priority claims; (5) a certified copy of a priority document; (6) drawings; (7) letters related to biologic deposits; and (8) oaths or declarations.

Patentees submit that the renewed Request to Correct Inventorship filed on April 29, 2010, is a "... a response to the examiner's reasons for allowance or a request to correct an error or omission in the "Notice of Allowance" or "Notice of Allowability;"", since the failure to act upon the original Request for Corrected Inventorship under 37

C.F.R. §1.48(b) originally filed on April 15, 2003, constitutes an error or omission in the "Notice of Allowance". Thus, the 100-day reduction in the patent term adjustment for the period of April 29, 2010 to August 10, 2010 is an error."

A review of the application file, supports a conclusion that the reduction for the filing of a petition pursuant to 37 CFR 1.48 after the mailing of the Notice of Allowance, even though it is a "re-submission" is proper. The filing of the petition therefore can not be construed as "COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE" and therefore is a failure of an applicant to engage in reasonable efforts to conclude processing or examination of an application.

However, the period of delay pursuant to 37 C.F.R. § 1.704(c)(10) in the amount of 100 days is incorrect and should be calculated therefore from the filing of the petition on April 29, 2010 to the mailing of the response on May 14, 2010, not the issue date of the Patent on August 10, 2010. The period of delay pursuant to 37 C.F.R. § 1.704(c)(10) is therefore 16 days.

As such, the patent term adjustment is 1124 days (773 "A delay" days plus 710 "B delay" days minus 103 overlap minus 256 Applicant delay days), not 1141 days.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **one thousand one hundred twenty-four (1124) days**.

Telephone inquiries specific to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.



Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

DRAFT
UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,771,928 B2

DATED : August 10, 2010

INVENTOR(S) : Akira Hasegawa

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (1040) days

Delete the phrase “by 1040 days” and insert – by 1124 days--

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20120328

DATE : March 28, 2012

TO SPE OF : ART UNIT 1622

SUBJECT : Request for Certificate of Correction on Patent No.: 6998421

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - ST (South Tower) 9A22

Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments:

It is noted that the 'previous' structure of, for example, change (4) is missing an oxygen atom. It is understood that the change is in the R1/R2 moieties with the 'correct' structure being shown.

/ANDREW D KOSAR/
Supervisory Patent Examiner.Art Unit 1622

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20101115

DATE : November 15, 2010

TO SPE OF : ART UNIT 2816

SUBJECT : Request for Certificate of Correction on Patent No.: 6897697

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - PK 3-910

Palm location **7590** - Tel. No. 305-8201

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments:

SPE: /Lincoln Donovan/

Art Unit 2816



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Jennifer S. Sickler
Gardere Wynne Sewell LLP
Suite 3000
1601 Elm Street
Dallas TX 75201-4761

MAILED

SEP 30 2010

OFFICE OF PETITIONS

In re Application of	:	
Peters et al.	:	
Application No. 10/229,626	:	ON APPLICATION FOR
Filed: August 28, 2002	:	PATENT TERM ADJUSTMENT
Attorney Docket No. 125886-1000	:	

This is in response to the REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT (PTA) UNDER 37 C.F.R. § 1.705(d), filed September 20, 2010, which is properly treated as a petition under 37 CFR 1.705(b). Applicant requests that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from three hundred fifty-two (352) days to five hundred five (505) days.

The application for patent term adjustment is **DISMISSED**.

Applicant disputes the calculation of the period of adjustment under 37 CFR 1.702(a)(1). Applicant asserts:

Applicant filed U.S. Patent Application Serial No. 10/229,626 on August 28, 2002. Under 37 C.F.R. § 1.702(a)(1), the Patent Office has fourteen months to mail a notification (e.g., Office Action) or a notice of allowance. See 37 C.F.R. § 1.702(a)(1). The fourteen month period expired on April 28, 2003. Importantly, the PTO did not mail the notification (i.e., Restriction Requirement) until September 30, 2005, which is 856 days after the fourteen month period expired. However, the PTO allowed a mere 703 days of patent term adjustment. This is

clearly in error. Accordingly, Applicant is entitled to an additional 153 days of patent term adjustment under 37 C.F.R. § 1.705(a)(1). Accordingly, Applicant respectfully asserts that the total patent term adjustment should be 505 days, and not the 352 days as asserted by the PTO.

Petition filed 09/20/10, pp. 1-2.

The Office has considered applicant's argument but finds it without merit.

Pursuant to 37 CFR 1.702(a):

Subject to the provisions of 35 U.S.C. 154(b) and this subpart, the term of an original patent shall be adjusted if the issuance of the patent was delayed due to the failure of the Office to:

(1) Mail at least one of a notification under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151 not later than fourteen months after the date on which the application was filed under 35 U.S.C. 111(a) or fulfilled the requirements of 35 U.S.C. 371 in an international application;

Applicant filed the above-identified application on August 28, 2002. Thereafter, the Office mailed the first notification under 35 U.S.C. 132 (Restriction Requirement) on September 30, 2005. Thus, the period of adjustment is 703 days, counting the number of days in the period beginning on the day after the date that is fourteen months after the date on which the application was filed under 35 U.S.C. 111(a), October 29, 2003 (not April 28, 2003, as asserted by applicant), and ending on the date of mailing of the notification under 35 U.S.C. 132 (Restriction Requirement), September 30, 2005.

In view thereof, the patent term adjustment at the time of the mailing of the notice of allowance remains 352 days.

The Office acknowledges the \$200.00 fee set forth in 37 CFR 1.18(e).

Applicant is reminded that any delays by the Office pursuant to 37 CFR 1.702(a)(4) and 1.702(b) and any applicant delays under 37 CFR 1.704(c)(10) will be calculated at the time of the

issuance of the patent and applicant will be notified of the revised patent term adjustment to be indicated on the patent in the Issue Notification letter that is mailed to applicant approximately three weeks prior to issuance.

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No.

Jennifer S. Sickler
Gardere Wynne Sewell LLP
Suite 3000
1601 Elm Street
Dallas TX 75201-4761

MAILED

JAN 18 2011

OFFICE OF PETITIONS

In re Application of	:	
Peters and Smitherman	:	
Application No. 10/229,626	:	DECISION ON PETITION
Filed: August '28, 2002	:	PURSUANT TO
Attorney Docket No. 125886-1000	:	37 C.F.R. § 1.47(A)
Title: RETINAL ARRAY COMPOUND	:	
CAMERA SYSTEM	:	

This is in response to the petition pursuant to 37 C.F.R. § 1.47(a), filed on September 20, 2010.

This petition is **DISMISSED**.

On August 28, 2002, the application was filed, identifying Messrs. Peters and Smitherman as joint inventors. On September 20, 2010, Petitioner submitted this petition, along with a supplemental declaration that has been executed by Mr. Smitherman. Mr. Peters has not executed this supplemental declaration.

A grantable petition pursuant to 37 C.F.R. § 1.47(a) requires:

- (1) the petition fee of \$200;
- (2) a surcharge of either \$65 or \$130 if the petition is not filed at the time of filing the application, as set forth in 37 C.F.R. § 1.16(f);
- (3) a statement of the last known address of the non-signing inventors;
- (4) either
 - a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the

- non-signing inventor refuses to join in the application or
- b) proof that the non-signing inventor cannot be found or reached after diligent effort, and;
- (5) a declaration which complies with 37 C.F.R. § 1.63.

With this petition, Petitioner has included, *inter alia*, a portion of the petition fee,¹ a supplemental declaration that has not been executed by Mr. Peters, the last known address of the non-signing inventor,² an assertion that the non-signing inventor "has been generally uncooperative in Assignee's prosecution matters" (which is being interpreted as an assertion that Mr. Peters has refused to execute the supplemental declaration), and an assertion that the whereabouts of Mr. Peters are unknown³ (which is being interpreted as an assertion that Mr. Peters cannot be located).

Petitioner has met requirements (1) and (3) of 37 C.F.R. § 1.47(a). The second requirement is not applicable. Requirements (4) and (5) have not been satisfied, as will now be pointed out.

Regarding the fourth requirement of 37 C.F.R. § 1.47(a), Petitioner cannot have it both ways. It does not make sense for one to allege the address of a non-signing inventor is unknown, and then assert that the inventor has refused to sign. She can either claim the person cannot be located, whereby she does not have to establish the inventor received the application papers, or she can allege a refusal to sign. If she is alleging a refusal to sign, she must establish that a bona fide attempt was made to present a copy of the application papers to the non-signing inventor⁴ (which would require a known address).

On renewed petition:

- If Petitioner alleges a refusal to sign, she must establish that a *bona fide* attempt was made to present a complete copy of the application papers to the non-signing inventor. A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application

1 Petitioner has included \$130 towards the \$200 petition fee. The \$130 will be refunded to Petitioner's credit card and \$200 will be charged to Deposit Account No. 07-0153 in due course, as authorized on the third page of this petition.

2 Guevara declaration of facts, paragraph 5.

3 Petition, page 2. See also Guevara declaration of facts, paragraph 7.

4 See MPEP § 409.03(d).

papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. It is reasonable to require that the inventor be presented with the application papers before a petition under 37 C.F.R. § 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed.⁵ The mailing of a complete copy of an unrelated application to the last known address of the non-signing inventor in 2004 does not constitute a bona fide attempt to present the non-signing inventor with a complete copy of the present application.

- If Petitioner chooses to allege that the non-signing inventor cannot be located, Petitioner is required to establish that a diligent effort was made to locate the same. There is no indication that a search was performed for Mr. Peters. There is no indication that the Rule 1.47 applicant attempted to verify the address of the non-signing inventor or to determine his forwarding address, and to send the complete application papers to that address for consideration by the inventor.⁶ Petitioner must provide a showing detailing the attempts that were made to obtain a forwarding address or to locate the non-signing inventor by means such as through E-mail, telephone, or the Internet. If this search is sufficiently broad so as to provide a reasonable opportunity to locate this individual, and it is then averred that such attempts failed, then Petitioner will have provided the necessary proof required under 37 C.F.R. § 1.47 that the non-signing inventor cannot be reached. Details of the efforts to locate the non-signing inventor are to be set forth in an affidavit or declaration of facts by a person having first hand knowledge of the details.

Regarding the fifth requirement of 37 C.F.R. § 1.47(a), since it is not clear if the last-known address is accurate, it cannot be determined if the declaration that was included with this petition contains the correct address for the non-signing inventor.

If reconsideration of this decision is desired, any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.47(a)". This is not a final agency action within the meaning of 5 U.S.C § 704.

⁵ In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).
⁶ See MPEP § 409.03(d).

Petitioner should note that any statement that appears therein should be made by one having firsthand knowledge of the event. Statements based on hearsay are not normally accepted.

Any response to this decision should indicate in a prominent manner that the attorney handling this matter is Paul Shanowski, and may be submitted by mail,⁷ hand-delivery,⁸ or facsimile.⁹ Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.¹⁰

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.¹¹

/Paul Shanowski/
Paul Shanowski
Senior Attorney
Office of Petitions

7 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

8 Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA, 22314.

9 (571) 273-8300- please note this is a central facsimile number.

10 <https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html>

11 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any of Petitioner's further action(s).



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/229,854	08/28/2002	Gabor Fodor	P15092-US2	1553
27045	7590	08/03/2010		
ERICSSON INC. 6300 LEGACY DRIVE M/S EVR 1-C-11 PLANO, TX 75024			EXAMINER PARK, JUNG H	
			ART UNIT	PAPER NUMBER
			2616	
			NOTIFICATION DATE	DELIVERY MODE
			08/03/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

kara.coffman@ericsson.com
jennifer.hardin@ericsson.com
melissa.rhea@ericsson.com

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20100723

DATE : July 30, 2010

TO SPE OF : ART UNIT 2465

SUBJECT : Request for Certificate of Correction on Patent No.: 7317684

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - PK 3-910

Palm location **7590** - Tel. No. 305-8201

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments:

The requested corrections shown in the COCIN document is approved because no new matter has been introduced and the scope of meaning of the claims has not been changed.

SPE: /Jayanti Patel/

Art Unit 2465

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 9/12/08

TO SPE OF : ART UNIT 2619 Jung Park

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/229807 Patent No.: 7317684

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

Certificates of Correction Branch
703-308-9390 ext. _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not apply.**

☐ **Denied**

State the reasons for denial below.

Comments: _____

_____The requested corrections shown in the COCIN document is approved

_____because no new matter has been introduced and

_____the scope of meaning of the claims has not been changed.

/ Jay Patel /

2465

SPE

Art Unit



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P.O. Box 1450
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Dean Janes
3200 W. Valhalla Dr.
Burbank, CA 91505

MAILED

JUN 08 2011

OFFICE OF PETITIONS

In re Patent of Janes :
Patent No. 6,754,297 :
Issue Date: June 22, 2004 :
Application No. 10/229,889 :
Filing Date: August 28, 2002 :
For: Apparatus and Method for :
Three-Dimensional Real-Time :
Imaging System :

Decision on Petition

This is a decision on the petition under 37 C.F.R. § 1.378(b) filed April 13, 2011, to reinstate the above-identified patent.

The petition is **DISMISSED**.

Facts

The law firm of Pillsbury Winthrop Shaw Pittman LLP ("Pillsbury") prosecuted the application on behalf of Petitioner, the assignee.

The application issued as a patent on June 22, 2004:

The 3.5 year maintenance fee could have been paid from June 22, 2007, to Monday, December 24, 2007, or with a surcharge from December 25, 2007, to Monday, June 22, 2008. The fee was not timely paid. As a result, the patent expired on June 22, 2008.

The petition states,

Shortly after filing this patent and its continuation patent we had insufficient funds to maintain our relationship with ... Pillsbury Winthrop. Subsequently, we have had no communication with this firm. We were not aware that maintenance fees were due and since your correspondence regarding the payment of maintenance fees was sent to Pillsbury Winthrop and not to Imaging3 it was impossible to know fees were even due for this patent.

Law

A grantable petition under 37 C.F.R. § 1.378(b) must be accompanied by a showing to the satisfaction of the Director that the entire delay in paying the required maintenance fee from the due date for the fee until the filing of a grantable petition pursuant to this paragraph was unavoidable.

In order for a party to show unavoidable delay, the party must show “reasonable care was taken to ensure that the maintenance fee would be promptly paid.”¹ The level of “reasonable care” required to be shown is the same as the level of “care or diligence ... generally used and observed by prudent and careful men in relation to their most important business.”² When determining if a period of delay has been shown to have been unavoidable, the Office will take “all the facts and circumstances into account” and will decide each petition “on a case-by-case basis.”³

35 U.S.C. § 41(c)(1) states, with emphasis added, “The Director may accept the payment of any maintenance fee . . . after the six month grace period if the delay is *shown to the satisfaction of the Director* to have been unavoidable.” Therefore, petitioner has the burden of proof.

A decision on a petition under 37 C.F.R. § 1.378(b) will be based solely on the written, administrative record in existence.

Discussion

The record indicates Petitioner was unaware of the existence of maintenance fees and fails to indicate Petitioner took steps, or obligated a third party to take steps, to ensure maintenance fees would be timely paid.

37 C.F.R. § 1.378(b) requires a party to “enumerate the steps taken to ensure timely payment of the maintenance fee.” In other words, a failure by a party to take, or obligate another party to take, steps to ensure timely payment of maintenance fees, will “preclude acceptance of the delayed payment of the maintenance fee under 37 CFR 1.378(b)(3).”⁴ “In view of the requirement to enumerate the steps taken to ensure timely payment of the maintenance fee, [a] patentee’s lack of knowledge of the need to pay the maintenance fee ... [will] not constitute unavoidable delay.”⁵

¹ 37 C.F.R. § 1.378(b).

² *In re Mattulath*, 38 App. D.C. 497, 514-15 (D.C. Cir. 1912). See also *Ray v. Lehman*, 55 F.3d 606, 34 U.S.P.Q.2d (BNA) 1786 (Fed. Cir. 1995) (citations omitted) (“[I]n determining whether a delay in paying a maintenance fee was unavoidable, one looks to whether the party responsible for payment of the maintenance fee exercised the due care of a reasonably prudent person.”)

³ *Smith v. Mossinghoff*, 671 F.2d 533, 538, 213 U.S.P.Q. (BNA) 977 (D.C. Cir. 1982).

⁴ Manual of Patent Examining Procedure (“MPEP”) § 2590 (8th ed., Rev. 8, July 2010).

⁵ *Id.* (citations omitted).

The Court of Appeals for the Federal Circuit has recognized the requirement for a showing of steps taken to ensure timely payment of a maintenance fee is reasonable. In *Ray v. Lehman*,⁶ the court stated,

Ray also takes issue with the PTO's regulation . . . arguing that it "creates a burden that goes well beyond what is reasonably prudent." We disagree. The PTO's regulation merely sets forth how one is to prove that he was reasonably prudent, i.e., by showing what steps he took to ensure that the maintenance fee would be timely paid, and the steps taken in seeking to reinstate the patent. We do not see these as requirements additional to proving unavoidable delay, but as the very elements of unavoidable delay

The record in this case fails to establish Petitioner took steps, or obligated a third party to take steps, to ensure timely payment of the 3.5 year maintenance fee. Therefore, the showing of record is insufficient to demonstrate unavoidable delay.

The petition asserts a failure to receive a reminder from the Office contributed to the delay. However, the failure to receive a reminder does not render the delay in payment of a maintenance fee unavoidable. As previously stated, a party must take affirmative steps to ensure maintenance fees are timely paid.

The petition asserts, "since [Petitioner] wasn't even listed as a correspondent directly with the USPTO this situation was impossible to avoid." However, the situation could have been avoided by Petitioner taking steps, or obligating another party to take steps, to ensure maintenance fees would be timely paid for the patent.

Pursuant to 37 C.F.R. § 1.378(b), a showing of unavoidable delay must identify "the date and the manner in which patentee became aware of the expiration of the patent, and the steps taken to file the petition promptly." The petition does not identify the date Petitioner learned the patent had expired or demonstrate the petition was filed promptly after Petitioner learned the patent had expired.

In view of the prior discussion, the showing of record is not sufficient to establish that the entire delay was unavoidable within the meaning of 37 C.F.R. § 1.378(b).

Petitioner's Current Options

I. Petitioner may file a request for reconsideration.

Any request for reconsideration must be submitted within **TWO (2) MONTHS** from the mail date of this decision and include a non-refundable petition fee of \$400. Extensions of time under 37 C.F.R. § 1.136(a) are NOT permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. § 1.378(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

⁶ 55 F.3d 606, 609, 34 U.S.P.Q.2d (BNA) 1786 (Fed. Cir. 1995).

After a decision on the petition for reconsideration is issued, no further reconsideration or review of the matter will be undertaken by the Director. Therefore, it is extremely important that petitioner supply any and all relevant information and documentation with his request for reconsideration. The Commissioner's decision will be based solely on the administrative record in existence. Petitioner should remember that it is not enough that the delay was unavoidable; petitioner must prove that the delay was unavoidable. A petition will not be granted if petitioner provides insufficient evidence to "show" that the delay was unavoidable. Therefore, if a request for reconsideration is filed, it must establish that the entire delay in the submission of the maintenance fee was unavoidable.

II. Petitioner may request a refund of the maintenance fee and surcharge which accompanied the petition.

Since the petition is dismissed, petitioner may request a refund of the maintenance fee and surcharge. Petitioner is reminded that if a request for reconsideration is later filed along with the \$400 fee, the \$400 will not be refunded. A request for a refund should be sent to: Mail Stop 16, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany any request for refund.

Further correspondence with respect to this matter may be submitted as follows:

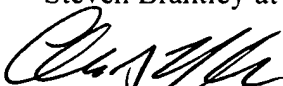
By Internet: A request for reconsideration may be filed electronically using EFS Web.⁷
Document Code "PET.OP" should be used if the request is filed electronically.

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

By hand: U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

⁷ General Information concerning EFS Web can be found at <http://www.uspto.gov/patents/process/file/efs/index.jsp>.



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SEP 20 2011

OFFICE OF PETITIONS

Dean Janes
3200 W. Valhalla Dr.
Burbank, CA 91505

In re Patent of Janes	:	
Patent No. 6,754,297	:	
Issue Date: June 22, 2004	:	Decision on Petition
Application No. 10/229,889	:	
Filing Date: August 28, 2002	:	
For: Apparatus and Method for	:	
Three-Dimensional Real-Time	:	
Imaging System	:	

Request for Information

The instant request is being issued in response to the petition under 37 C.F.R. § 1.378(b) filed August 1, 2011, and supplemented August 5, 2011.

Petitioner should submit the requested information within TWO MONTHS of the mailing date of this letter. Extensions of time may not be obtained. No additional fee is due for a response to the instant request for information. The failure to file a reply to the instant Request for Information will be interpreted as a desire to no longer pursue reinstatement of the patent and the Office will give no further consideration to the matter.

Dean Janes has submitted a declaration stating,

I noted that the maintenance fee for [the patent] would be due in approximately 3.5 years and placed a reminder in my Outlook calendar system to remind [myself] to pay the maintenance fee for the [patent] before the due date. I have changed computers at least four times in the last seven years (from July 2004 to July 2011) and twice the computer had to be rebuilt from scratch, therefore losing the data in [my] Outlook calendar system.

Janes does not indicate how many times Janes changed or rebuilt his computer between July 2004 and June 22, 2008, the last date the 3.5 year maintenance fee could have been paid.

The Office requests Petitioner identify:

1. Each date Janes changed computers,
2. Each date a computer was rebuilt,

3. The date the Outlook data involving the 3.5 year maintenance fee was lost,
4. All steps, if any, taken by Janes or any other party to recover lost data, and
5. All steps, if any, taken by Janes to enter data into a new docketing system in order to track the maintenance fee due date upon loss of the data.

Dean Janes' declaration states,

As a backup to [my] calendar system, I instructed one of [Image3's] employees, Byron Monterroso (an information technology employee), to remind me to pay the maintenance fee when the maintenance fee became due in the late summer or fall of 2007. Byron left [Image3] in late 2006.... Byron's replacement did not provide me with this reminder.

The Office is unsure as to whether or not the petition is seeking to argue Janes relied on Monterroso's successor to notify him when the fee became due and that Janes' reliance on Monterroso's successor was reasonable and prudent. *If* Petitioner is seeking to make these arguments, the Office strongly suggests Petitioner take the following actions:

1. Explicitly state Janes relied on Monterroso's successor to notify him when the fee became due,
2. Explicitly assert Janes' reliance on Monterroso's successor was reasonable and prudent,
3. Identify the date Janes gave the instruction to Monterroso,
4. Identify the exact instruction Janes gave to Monterroso,
5. Identify all steps taken by Monterroso to ensure he would be timely remind Janes when the fee became due,
6. Demonstrate Monterroso was sufficiently trained and experienced with regard to reminding Janes of maintenance fee due dates such that Janes' reliance on Monterroso to remind him when the 3.5 year fee became due in this case represented the exercise of due care, successfully perform the task represented the exercise of due care,
7. Identify Monterroso's successor,
8. Demonstrate the successor was sufficiently trained and experienced with regard to reminding Janes of maintenance fee due dates such that Janes' reliance on the successor to remind him when the 3.5 year fee became due in this case represented the exercise of due care,
9. Supply a declaration or statement from Monterroso, and
10. Supply a declaration or statement from Monterroso's successor.

Petitioner bears the burden of proof and any future decision will be based solely on the administrative record. Therefore, Petitioner should ensure any response to the instant request includes any and all relevant information and documentation Petitioner wishes for the Office to consider when determining whether or not Petitioner has proven the entire delay in the submission of the 3.5 year maintenance fee was unavoidable.

The address set forth on the copy of the petition filed August 5, 2011, is different than the address of record (Image3's address). If appropriate, a request to change the address of record

should be filed. A courtesy copy of this decision is being mailed to the address given on the copy of the petition filed August 5, 2011; however, the Office will mail all future correspondence solely to the address of record.

Further correspondence with respect to this matter may be submitted as follows:

By Internet: A request for reconsideration may be filed electronically using EFS Web.¹
Document Code "PET.OP" should be used if the request is filed electronically.

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

By hand: U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

cc: Mark R. Kendrick
P.O. Box 10500
McLean, VA 22102

¹ General Information concerning EFS Web can be found at <http://www.uspto.gov/patents/process/file/efs/index.jsp>.



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PILLSBURY WINTHROP SHAW PITTMAN LLP (LA)
P.O BOX 10500
McLean VA 22102

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MAR 06 2012
OFFICE OF PETITIONS

In re Patent of Janes	:	
Patent No. 6,754,297	:	
Issue Date: June 22, 2004	:	Decision on Petition
Application No. 10/229,889	:	
Filing Date: August 28, 2002	:	
Atty. Docket No. 041858-0276951	:	

This is a decision on the renewed petition under 37 CFR 1.378(b) filed November 21, 2011, which requests reinstatement of the patent.

The petition is **DENIED**. This decision is a final agency action within the meaning of 5 U.S.C. 704 for purposes of seeking judicial review. *See* MPEP 1002.02. The terms of 37 CFR 1.378(e) *do not apply* to this decision and no further consideration will be given to this matter.

Since this patent will not be reinstated, the \$700 surcharge and the \$490 submitted for the 3.5 year maintenance fee will be credited back to the credit card used to pay the fee. The \$400 fee for requesting reconsideration is not refundable.

Background

The patent issued June 22, 2004. The 3.5 year maintenance fee could have been paid from June 22, 2007, to Monday, December 24, 2007, or with a surcharge from December 25, 2007, to June 22, 2008. The fee was not timely paid. As a result, the patent expired on June 23, 2008.

A petition under 37 CFR 1.378(b) was filed April 13, 2011.

A decision dismissing the petition was mailed June 8, 2011.

A request for reconsideration was filed August 1, 2011, and supplemented August 5, 2011.

The Office issued a Request for Information on September 20, 2011.

The instant response to the Request for Information was filed November 21, 2011.

Applicable Statutes and Regulation

35 U.S.C. 41(b) states in pertinent part that, "Unless payment of the applicable maintenance fee is received . . . on or before the date the fee is due or within a grace period of six months thereafter, the patent shall expire as of the end of such grace period."

35 U.S.C. 41(c)(1) states that, "The Director may accept the payment of any maintenance fee . . . after the six month grace period **if the delay is shown to the satisfaction of the Director to have been unavoidable.**" (emphasis added)

37 CFR 1.378(b)(3) states that any petition to accept delayed payment of a maintenance fee must include:

A showing that . . . reasonable care was taken to ensure that the maintenance fee would be paid timely and that the petition was filed promptly after the patentee . . . became aware of . . . the expiration of the patent. The showing must enumerate the steps taken to ensure timely payment of the maintenance fee, the date, and the manner in which patentee became aware of the expiration of the patent.

Opinion

Petitioner must establish that petitioner treated the patent the same as a reasonable and prudent person would treat his or her most important business.

A grantable petition under 37 CFR 1.378(b) must be accompanied by a showing to the satisfaction of the Director that the entire delay in paying the required maintenance fee from the due date for the fee until the filing of a grantable petition pursuant to this paragraph was unavoidable.

In order for a party to show unavoidable delay, the party must show "reasonable care was taken to ensure that the maintenance fee would be promptly paid."¹ The level of "reasonable care" required to be shown is the same as the level of "care or diligence . . . generally used and observed by prudent and careful men in relation to their most important business."² When determining if a period of delay has been shown to have been unavoidable, the Office will take "all the facts and circumstances into account" and will decide each petition "on a case-by-case basis."³

35 U.S.C. 41(c)(1) states, with emphasis added, "The Director may accept the payment of any maintenance fee . . . after the six month grace period if the delay is *shown to the satisfaction of the Director* to have been unavoidable." Since the statute requires a "showing" from petitioner,

¹ 37 CFR 1.378(b).

² *In re Matulath*, 38 App. D.C. 497, 514-15 (D.C. Cir. 1912). See also *Ray v. Lehman*, 55 F.3d 606, 34 U.S.P.Q.2d (BNA) 1786 (Fed. Cir. 1995) (citations omitted) ("[I]n determining whether a delay in paying a maintenance fee was unavoidable, one looks to whether the party responsible for payment of the maintenance fee exercised the due care of a reasonably prudent person.").

³ *Smith v. Mossinghoff*, 671 F.2d 533, 538, 213 U.S.P.Q. (BNA) 977 (D.C. Cir. 1982).

petitioner bears the burden of proof. Therefore, it is not enough that the delay was unavoidable; petitioner must provide sufficient evidence to “show” that the delay was unavoidable.

Facts

Petitioner is Imaging 3, Inc. (“Imaging 3”), the owner of the patent. Dean Janes is the President and CEO of Imaging 3 and is the sole inventor.

The patent issued June 22, 2004.

The 3.5 year maintenance fee could have been paid from June 22, 2007, to Monday, December 24, 2007, or with a surcharge from December 25, 2007, to Monday, June 22, 2008. The fee was not timely paid. As a result, the patent expired on June 22, 2008.

A petition under 37 CFR 1.378(b) signed by Janes was filed April 13, 2011. The April 13, 2011 petition asserts it was impossible for Petitioner to know the 3.5 year maintenance fee was due because the Office did not send a maintenance fee reminder to Petitioner. Specifically, the petition states,

Shortly after filing this patent and its continuation patent we had insufficient funds to maintain our relationship with ... Pillsbury Winthrop. Subsequently, we have had no communication with this firm. We were not aware that maintenance fees were due and since your correspondence regarding the payment of maintenance fees was sent to Pillsbury Winthrop and not to Imaging3 it was impossible to know fees were even due for this patent.

The Office mailed a decision dismissing the April 13, 2011 petition on June 8, 2011.

Petitioner filed a request for reconsideration on August 1, 2011. The request asserts Janes entered the due date for the maintenance fee into a Microsoft Outlook calendaring system and, as a backup, instructed employee Byron Monterroso to inform Janes when the fee became due. Specifically, the petition states,

Dean Janes ... placed a reminder in his Outlook calendar system to remind him to pay the maintenance fee.... As a backup to his calendaring system, Dean Janes instructed [Monterroso] to remind him to pay the maintenance fee.⁴

Janes’ declaration filed with the petition on August 1, 2011, states,

I noted that the maintenance fee ... would be due in approximately 3.5 years and placed a reminder in my Outlook calendaring system. As a backup to [my] calendaring system, I instructed [Monterroso] to remind me to pay the maintenance fee when the maintenance fee became due in the late summer or fall of 2007.⁵

⁴ August 1, 2011 Request for Reconsideration, p. 3.

⁵ August 1, 2011 Janes Declaration, ¶¶ 4-5.

The declaration by Dean Janes filed with the August 1, 2011 request identifies two reasons the actions taken by Dean Janes did not result in Janes being reminded to pay the maintenance fee. The declaration states,

I have changed computers at least four times in the last seven years (from July 2004 to July 2011) and twice the computer had to be rebuilt from scratch, therefore losing the data in [my] Outlook calendaring system....

[Monterroso's] replacement did not provide me with [a] reminder [when the fee became due].⁶

The Office mailed a Request for Information on September 20, 2011. The Office requested information pertaining to the calendaring system, which included the following information:

- (1) The date the Outlook data involving the 3.5 year maintenance fee was lost,
- (2) All steps, if any, taken by Janes or any other party to recover lost data, and
- (3) All steps, if any, taken by Janes to enter data into a new docketing system in order to track the maintenance fee due date upon loss of the data.

The instant response to the Request for Information was filed November 21, 2011. Although Janes' prior declaration states Janes entered the maintenance fee due date into the Outlook system. Janes' November 21, 2011 declaration does not include such an assertion. Instead, the new declaration states Janes asked Monterroso to enter the relevant date information into the Outlook system. Specifically, Janes states,

I told Byron Monterroso on August 3, 2004 to remind me one month in advance of any maintenance fee payment due date for [the patent].... I also told him to pass these instructions on to any successor to his position if he was to leave Imaging3, Inc.... I asked Byron Monterroso to enter such important date information into the Outlook calendaring system.⁷

Janes does not identify his rationale for explicitly instructing Monterroso to inform any person who ever replaces Monterroso of the need to remind Janes of the need to pay the maintenance fee.

Janes asserts he told Monterroso to remind him "via email, voicemail, note or personal contact."⁸ Janes does not identify his rationale for explicitly informing Monterroso of the methods Monterroso was permitted to use when reminding Janes the maintenance fee was due.

Monterroso states he agreed to notify Janes the maintenance fee was due one month before the due date. Monterroso also states he "entered the important maintenance fee due date (12/22/2006) information into the Outlook calendaring system."⁹

⁶ August 1, 2011 Janes Declaration, ¶¶ 4-5.

⁷ November 21, 2011 Janes Declaration, ¶¶ 10-11.

⁸ *Id.* at ¶ 10.

⁹ November 21, 2011 Monterroso Declaration, ¶¶ 6-7.

Petitioner indicates the information for the patent was not present in Outlook as of July 2007. Therefore, assuming the date was entered into Outlook, the loss of the data appears to have occurred during or before one or more of the following events:

1. Monterroso rebuilding Janes' computer ("First Computer") during March 2005, due to an error in the operating system;
2. Monterroso replacing the First Computer with a new computer ("Second Computer") during June 2005 to upgrade the system;
3. Monterroso rebuilding Janes' Second Computer during April 2006 due to virus and phishing issues;
4. Monterroso's replacement, Mark Walters, replacing the Second Computer with a new and more reliable computer ("Third Computer") during December 2006; and
5. Walters replacing the Third Computer with a new computer ("Fourth Computer") during July 2007.

Analysis

The Information Pertaining to the Patent Entered Into Outlook.

Monterroso states he entered a due date of December 22, 2006, for the patent into Outlook. However, the date of December 22, 2006, is not one-month prior to the due date for the maintenance fee. Instead, the date of December 22, 2006, is:

1. Six months before the first date the maintenance fee could have been paid,
2. Approximately eleven months prior to the date one month before the last day the maintenance fee could have been timely paid without a surcharge, and
3. Approximately seventeen months before the last day the maintenance fee could have been timely paid with a surcharge.

Petitioner has not established that Monterroso properly docketed the maintenance fee. Moreover, petitioner has not established a documented business routine for performing the clerical task of docketing and payment of patent maintenance fees. Petitioner has not established that Monterroso was sufficiently trained and experienced to handle patent maintenance fees. In this regard, it has not been established that Walters was properly trained and experienced with respect to paying maintenance fees. Furthermore, even if the Office assumed that the maintenance fee was docketed into the Outlook[®] system on or about August 3, 2004, there is no showing that the maintenance fee remained docketed in the second or subsequent computer.

Janes' Lack of Knowledge Data Had Been Lost from Outlook

Janes asserts he "relied on the calendaring function of Outlook" and asserts "he reasonably believed that all of the data from my Outlook calendar would be transferred to each computer during each rebuild and/or upgrade process."¹⁰

¹⁰ November 21, 2001 Janes Declaration, ¶ 9.

Petitioner has not proven that it was unavoidable for Janes to ensure that with each computer rebuild and upgrade that the maintenance fee data was copied, as these are the actions of a reasonable and prudent person with respect to his most important business.

Janes' Failure to Take Steps to Determine if any Data Had Been Lost from Outlook

Assuming that the maintenance fee was properly docketed in 2004, the window for paying the maintenance fee at issue opened on June 22, 2007, and closed on June 22, 2008. Had the computers continued to work, perhaps they might have served as a timely reminder that payment of the maintenance fee was due. However, the computers suffered various problems and were replaced or rebuilt numerous times before the fees due here first became due. Thus, patentee knew that his docketing system was destroyed. Petitioner does not state that any backup files or backup information existed. So Petitioner no longer had a system in place to ensure timely payment of maintenance fees. Thus, his arguments might be persuasive with respect to a fee that he showed was entered in the system and was due between August 2004 and March 2005. However, with respect to fees due after March 2005, it was not reasonable to continue to rely on faulty computer data. Petitioner does not show that for a continuous period of time after the first computer suffered problems that he was working to reinstate the lost data. At the same time, there is no showing that petitioner took any action to determine the status of his patent portfolio and to re-enter the due dates in a reliable system. In fact, for almost four years, it appears he was unaware of the status of this patent. Under the circumstances set forth, it was not reasonable to continue to rely on an inoperative system. The absence of a functioning docketing system as the time this maintenance fee was due precludes a finding of unavoidable delay.

Conclusion

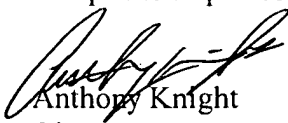
In view of the prior discussion, the record is insufficient to prove the entire delay in payment of the 3.5 year maintenance fee was unavoidable.

Decision

The prior decision which refused to accept under 37 CFR 1.378(b) the delayed payment of a maintenance fee for the above-identified patent has been reconsidered. For the reasons herein and stated in the previous decision, the entire delay in this case cannot be regarded as unavoidable within the meaning of 35 U.S.C. 41(c)(1) and 37 CFR 1.378(b). Therefore, the petition is **denied**.

As stated in 37 CFR 1.378(e), the Office will not further consider or review the matter of the reinstatement of the patent.

Telephone inquiries may be directed to Petitions Attorney Steven Brantley at (571) 272-3203.


Anthony Knight
Director
Office of Petitions

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6,668,525	2003-12-30	10/231,270	2002-08-30	1011.38328VX1

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|-----------------------|-----------|--------|
| <input type="radio"/> | 3 ½ year | (1551) |
| <input type="radio"/> | 7 ½ year | (1552) |
| <input type="radio"/> | 11 ½ year | (1553) |

Small Entity

- | | Fee | Code |
|----------------------------------|-----------|--------|
| <input type="radio"/> | 3 ½ year | (2551) |
| <input checked="" type="radio"/> | 7 ½ year | (2552) |
| <input type="radio"/> | 11 ½ year | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/Ronald J. Shore/	Date (YYYY-MM-DD)	2012-02-15
Name	Ronald J. Shore	Registration Number	28577
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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P.O. Box 1450
Alexandria, VA 22313-1450
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In re Patent No. 6668525 :
Issue Date: December 30, 2003 :
Application No. 10231270 :DECISION GRANTING PETITION
Filed: August 30, 2002 :UNDER 37 CFR 1.378(c)
Attorney Docket No. 1011.38328VX1 :

This is a decision on the electronic petition, filed February 15, 2012, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of February 15, 2012. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.



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JUN 16 2011

OFFICE OF PETITIONS

**D.A.N Chase
Chase Law Firm, L.C.
800 W. 47th Street
Suite 401
Kansas City MO 64112**

In re Patent No. 6,884,202	:	
Issue Date: April 26, 2005	:	
Application No. 10/231,795	:	ON PETITION
Filed: August 29, 2002	:	
Atty. Docket No. 2984	:	

This is a decision on the petition under 37 CFR 1.378(c), filed April 26, 2011, to accept the unintentionally delayed payment of a maintenance fee for the above-identified patent.

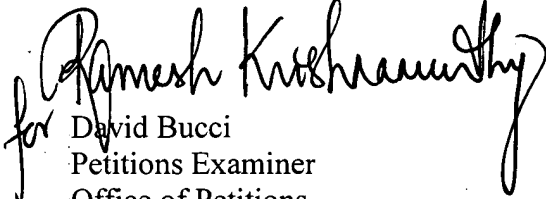
The petition is **GRANTED**.

This patent expired on April 27, 2009 for failure to pay the three and one-half year maintenance fee. Since this petition was submitted within twenty-four months after the six-month grace period provided in 37 CFR 1.362(e), the petition was timely filed under the provisions of 37 CFR 1.378(c).

The maintenance fee is hereby accepted and the above-identified patent is reinstated as of the mail date of this decision.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however the Office will mail all future correspondence solely to the user of record.

Telephone inquiries regarding this decision should be directed to Robert DeWitty,
Petitions Attorney, Office of Petitions (571-272-8427).


for David Bucci
Petitions Examiner
Office of Petitions

cc: Stacy Erwin
P.O. Box 11981
Kansas City, MO 64138



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ARENT FOX LLP
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON DC 20036

MAILED
AUG 31 2010
OFFICE OF PETITIONS

In re Application of :
Eustrate Avrameas et al :
Application No. 10/231,889 : **DECISION ON PETITION**
Filed: August 29, 2002 :
Attorney Docket No. 021305-00301 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 24, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the nonfinal Office action mailed March 18, 2009, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 1644 for appropriate action by the Examiner in the normal course of business on the reply received December 24, 2009.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions



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STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

Mail Date: 08/04/2010

Applicant	: Yoon-Seop Eom	: DECISION ON REQUEST FOR
Patent Number	: 7658462	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 10/232,314	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/03/2002	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **2105** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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19799 SW 95TH AVE. SUITE A
TUALATIN, OR 97062

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DEC 13 2011

OFFICE OF PETITIONS

ON PETITION

In re Patent No. 6,588,632 :
Issue Date: July 8, 2003 :
Application No. 10/232,345 :
Filed: August 30, 2002 :
Title of Invention: **PROGRAMMABLE** :
BEVERAGE DISPENSING APPARATUS

This is a decision on the petition filed November 28, 2011 under 37 CFR 1.378(c)¹, to accept the delayed payment of the maintenance fee for the above-identified patent.

The petition under 37 CFR 1.378 (c) is **GRANTED**.

The patent issued on July 8, 2003. The second maintenance fee due could have been paid during the period from July 8, 2010 to January 10, 2011 or, with a surcharge during the period from January 11, 2011 to July 8, 2011. Accordingly, this patent expired on July 8, 2011 for failure to timely remit the second maintenance fee.

Accordingly, the maintenance fee in this case is hereby accepted and the above-identified patent is hereby reinstated as of the mail date of this decision. Fees in the amount of \$1425.00 for the second maintenance fee and \$1,640.00 for the surcharge have been applied.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

¹ 37 CFR 1.378 (c) provides that a petition to accept an unintentionally delayed payment of a maintenance fee must be filed within twenty-four months of the six-month grace period provided in § 1.362(e) and must include:

- (1) The required maintenance fee set forth in § 1.20(e) through (g);
- (2) The surcharge set forth in § 1.20(f)(2); and
- (3) A statement that the delay in payment of the maintenance fee was unintentional.



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SEP 28 2011

OFFICE OF PETITIONS

Beyer Law Group LLP
P.O. BOX 1687
Cupertino, CA 95015-1687

In re Application of Ishidoshiro	:	
Application No. 10/232,945	:	Letter
Filing Date: August 30, 2002	:	
Attorney Docket No. MES1P070	:	

This is a notice regarding the request for acceptance of a fee deficiency submission under 37 CFR 1.28(c) filed September 9, 2011.

The deficiency payment of \$1,820 is hereby accepted.

The change of status to large entity has been entered and made of record.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
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QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO, CA 92121

Mail Date: 08/20/2010

Applicant	: Douglas N. Rowitch	: DECISION ON REQUEST FOR
Patent Number	: 7657230	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 10/233,096	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/29/2002	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1203** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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Beyer Law Group LLP
P.O. BOX 1687
Cupertino CA 95015-1687

MAILED

SEP 29 2011

OFFICE OF PETITIONS

In re Application of :
Takashi Ishidoshiro :
Patent No. 7,319,859 :
Issued: January 15, 2008 :
Application No. 10/233,273 :
Filed: August 30, 2002 :
Attorney Docket No. **MES1P069** :

NOTICE

This is a notice regarding your request filed September 9, 2011, for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

There is no indication that the petition is signed by a registered patent attorney or patent agent of record. However, in accordance with 37 CFR 1.34, the signature of Steve D. Beyer appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts. If, Steven D. Beyer desires to be acknowledged as the attorney of record in this file, the appropriate power of attorney documents must be submitted.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
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RANKIN, HILL & CLARK LLP
38210 GLENN AVENUE
WILLOUGHBY OH 44094-7808

MAILED
AUG 02 2011
OFFICE OF PETITIONS

In re Patent No. 7,514,134	:	
Issue Date: April 7, 2009	:	
Application No. 10/233,283	:	DECISION ON PETITION
Filed: August 28, 2002	:	
Attorney Docket No. AVE-34136.01	:	

This is a decision on the petition under 37 CFR 1.182, filed June 29, 2011, requesting that the USPTO vacate the Certificate of Correction issued April 20, 2010 for U.S. Patent No. 7,514,134.

Petitioners filed Application No. 10/233,283 on August 28, 2002. During the pendency of the application, petitioners presented a claim for foreign priority within the time period set in 37 CFR 1.55(a)(1). However, petitioners did not submit a certified copy of the priority document as required by 35 U.S.C. 119(b) prior to the issuance of Patent No. 7,514,134 on April 7, 2009. Consequently, the foreign priority claim did not appear on the front page of the patent.

On March 11, 2010, petitioners filed a certified copy of the priority document (DE 10142043.9) and a request for a Certificate of Correction. Petitioners explained that they made a timely claim for foreign priority under 35 U.S.C. 119 but that they did not submit a certified copy of the priority document due to a clerical error. Petitioners sought to complete the requirements for claiming foreign priority under 35 U.S.C. 119 by subsequently supplying a certified copy of the priority document and requesting that the foreign priority claim be added to the front page of the issued patent via a Certificate of Correction. On April 20, 2010, the USPTO issued a Certificate of Correction, inserting "(30) Foreign Application Priority Data Aug. 28, 2001 (DE) 10142043.9" on the patent, and thus, recognizing the foreign priority claim.

As correctly acknowledged by petitioners, Certificate of Correction is not appropriate to correct a failure to submit the priority document. As stated in MPEP 201.16,

a claim to foreign priority benefits cannot be perfected via a certificate of correction if the requirements of 35 U.S.C. 119(a)-(d) or (f) had not been satisfied in the patented application, or its parent, prior to issuance and the requirements of 37 CFR 1.55(a) are

not met. In this latter circumstance, the claim to foreign priority benefits can be perfected only by way of a reissue application in accordance with the rationale set forth in *Brenner v. State of Israel*, 158 USPQ 584.

In this instance, petitioners did not submit the certified priority document prior to the issuance of the patent, and therefore, did not satisfy the requirements of 35 U.S.C. 119(a)-(d) or (f) and 37 CFR 1.55(a) in the patented application. As the claim to foreign priority benefits can be perfected only by way of a reissue application, the USPTO was without authority to issue the Certificate of Correction on April 20, 2010 for Patent No. 7,514,134. The Certificate of Correction incorrectly certifies that the stringent requirements of 35 U.S.C. 119(b) have been fulfilled. Accordingly, the Certificate of Correction of April 20, 2010, was issued in error.

The petition under 37 CFR 1.182 is **GRANTED** and the Certificate of Correction issued April 20, 2010 is **vacated**.

This matter is being forwarded to the Certificates of Correction Branch for issuance of a certificate to vacate the Certificate of Correction issued April 20, 2010, and for further action consistent with this decision.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3211.



Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



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JOHN E. VANDIGRIFF
190 N. STEMMONS FRWY.,
SUITE 200
LEWISVILLE TX 75067

MAILED
SEP 08 2010
OFFICE OF PETITIONS

In re Patent No. 6,807,772
Issue Date: October 26, 2004
Application No. 10/233,709
Filed: September 3, 2002
Attorney Docket No. HAL.102

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.378(c), filed July 15, 2010, to accept the unintentionally delayed payment of a maintenance fee for the above-identified patent.

The petition is **GRANTED**.

This patent expired on October 26, 2008, for failure to pay the three and one-half year maintenance fee. Since this petition was submitted within twenty-four months after the six-month grace period provided in 37 CFR 1.362(e), the petition was timely filed under the provisions of 37 CFR 1.378(c).

The maintenance fee is hereby accepted and the above-identified patent is reinstated as of the mail date of this decision.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

The patent file is being forwarded to Files Repository.

/dcg/

Diane C. Goodwyn

Petitions Examiner

Office of Petitions

cc: JOHN E. VANDIGRIFF
1223 MACKIE DR.,
CARROLLTON, TX 75007



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NIXON PEABODY, LLP
401 9TH STREET, NW
SUITE 900
WASHINGTON DC 20004-2128

MAILED

APR 18 2011

OFFICE OF PETITIONS

In re Patent Number: 7,228,298 :
Issue Date: 06/05/2007 :
Application Number: 10/233,952 :
Filing or 371(c) Date: 09/03/2002 :
Attorney Docket Number: 023880-001000 :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed on March 2, 2011.

The Office no longer investigates or rejects original or reissue patents under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

The address in the petition is different than the correspondence address. A courtesy copy of this decision is being mailed to the address in the petition. All future correspondence, however, will be mailed solely to the address of record. A change of correspondence address should be filed if the correspondence address needs to be updated.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3231.

Douglas Wood
Attorney
Office of Petitions

Cc: NIXON PEABODY LLP
300 S. RIVERSIDE PLAZA, 16th FL
CHICAGO IL 60606-6613

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 08-20-10

TO SPE OF : ART UNIT 2824

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/234261 Patent No.: 6970369

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580



Angela Green 703-756-1541

Certificates of Correction Branch
703-756-1814

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: Ok to be entered

S.D.

/Richard Elms/ SPE AU 2824 9/9/10

SPE

Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 08-20-10

Paper No.: ~~090770~~

2010 09 09

TO SPE OF : ART UNIT 2824

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/234261 Patent No.: 6970369

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square - 9D10-A
Palm Location 7580



Angela Green 703-756-1541

Certificates of Correction Branch
703-756-1814

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☒ Approved

All changes apply.

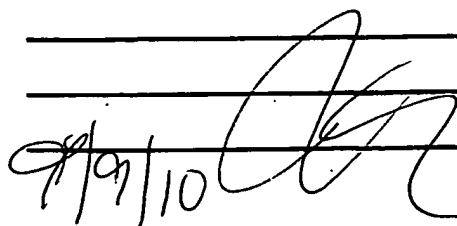
☐ Approved In Part

Specify below which changes **do not** apply.

☐ Denied

State the reasons for denial below.

Comments: Ok to be entered 5D



RICHARD T. ELMS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

2824

SPE

Art Unit



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Richard R. Michaud
Michaud-Duffy Group, LLP
Suite 206
306 Industrial Park Road
Middletown, CT 06457

MAILED

MAR 24 2011

OFFICE OF PETITIONS

In re Patent No. 7,161,590 :
Issue Date: January 9, 2007 :
Application No. 10/234,302 :
Filed: September 4, 2002 :
Patentee(s): John James Daniels :

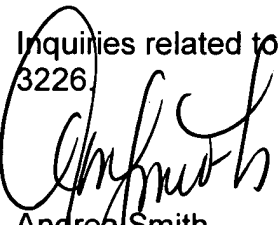
NOTICE

This is a Notice regarding your "STATEMENT REGARDING CHANGE OF ENTITY STATUS & MAINTENANCE FEE PAYMENT" filed on January 10, 2011, which is being treated as a request for acceptance of a fee deficiency submission under 37 CFR 1.28(c).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**. Therefore, status as a small entity has been removed and any future fee(s) submitted must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3226.


Andrea Smith
Petitions Examiner
Office of Petitions

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6,859,984	2005-03-01	10/234,338	2002-09-05	P07638US00

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|---------------------------------|-----|--------|
| <input type="radio"/> 3 ½ year | | (1551) |
| <input type="radio"/> 7 ½ year | | (1552) |
| <input type="radio"/> 11 ½ year | | (1553) |

Small Entity

- | | Fee | Code |
|---|-----|--------|
| <input checked="" type="radio"/> 3 ½ year | | (2551) |
| <input type="radio"/> 7 ½ year | | (2552) |
| <input type="radio"/> 11 ½ year | | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/Douglas E. Jackson/	Date (YYYY-MM-DD)	2011-02-03
Name	Douglas E. Jackson	Registration Number	28518
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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In re Patent No. 6859984 :
Issue Date: March 1, 2005 :
Application No. 10234338 :DECISION GRANTING PETITION
Filed: September 5, 2002 :UNDER 37 CFR 1.378(c)
Attorney Docket No. P07638US00/RFH :

This is a decision on the electronic petition, filed February 3, 2011, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of February 3, 2011. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.



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Mark Rinsler
PO Box 241
Gila, NM 88038-0241

MAILED

NOV 08 2010

OFFICE OF PETITIONS

In re Patent of Mark I. Rinsler :
Patent No. 6,719,140 :
Issue Date: April 13, 2004 :
Application No. 10/234,908 :
Filing Date: September 4, 2002 :
Attorney Docket No. SGO2678 :

Decision on Petition

This is a decision on the petition under 37 CFR 1.378(b), filed June 18, 2010, to reinstate the above-identified patent.

The petition is **DISMISSED**.

Facts

The patent issued on April 13, 2004.

Petitioner, the inventor, moved from California to New Mexico during the later part of 2004 through early 2005.

Petitioner states files were misplaced and lost during the move.

Petitioner states, "As there had been no interest in my patent, ... it was "out of sight, out of mind."

The 3.5 year maintenance fee could have been paid from April 13, 2007, to Monday, October 15, 2007, or with a surcharge from October 16, 2007, to Monday, April 14, 2008. Petitioner did not pay the fee. As a result, the patent expired on April 14, 2008.

Petitioner states a company contacted him the week before he filed the instant petition and indicated two other companies were interested in the patent. Petitioner subsequently conducted a search for the patent file and located in the file in a barn loft.

Petitioner states, "With no interest or communication regarding my idea for some six and one half years, it had dropped from my awareness."

Law

A grantable petition under 37 CFR 1.378(b) must be accompanied by a showing to the satisfaction of the Director that the entire delay in paying the required maintenance fee from the due date for the fee until the filing of a grantable petition pursuant to this paragraph was unavoidable.

In order for a party to show unavoidable delay, the party must show "reasonable care was taken to ensure that the maintenance fee would be promptly paid."¹ The level of "reasonable care" required to be shown is the same as the level of "care or diligence ... generally used and observed by prudent and careful men in relation to their most important business."² When determining if a period of delay has been shown to have been unavoidable, the Office will take "all the facts and circumstances into account" and will decide each petition "on a case-by-case basis."³

The statute requires a "showing" by petitioner. Therefore, petitioner has the burden of proof. 35 U.S.C. 41(c)(1) states, with emphasis added, "The Director may accept the payment of any maintenance fee . . . after the six month grace period if the delay is *shown to the satisfaction of the Director* to have been unavoidable." The decision will be based solely on the written, administrative record in existence. A petition will not be granted if petitioner provides insufficient evidence to "show" that the delay was unavoidable.

The Office and Congress have recognized the unavoidable standard can be very difficult to meet. During 1992, Congress considered the difficulty involved in reinstating a patent under the unavoidable. Congressional representatives described the unavoidable standard as inflexible, extremely hard to meet, too stringent and harsh.⁴ Congress did NOT take steps to make the unavoidable standard more flexible, easier to meet, less stringent, or less harsh. Instead, Congress determined that it would allow patent owners the ability to reinstate a patent under an "unintentional" standard as long as the petition was filed within 24 months of the expiration of the patent. Congress chose to continue requiring proof of unavoidable delay for petitions filed after the 24 month time period.

¹ 37 CFR 1.378(b).

² *In re Mattulath*, 38 App. D.C. 497, 514-15 (D.C. Cir. 1912). See also *Ray v. Lehman*, 55 F.3d 606, 34 U.S.P.Q.2d (BNA) 1786 (Fed. Cir. 1995) (citations omitted) ("[I]n determining whether a delay in paying a maintenance fee was unavoidable, one looks to whether the party responsible for payment of the maintenance fee exercised the due care of a reasonably prudent person.")

³ *Smith v. Mossinghoff*, 671 F.2d 533, 538, 213 U.S.P.Q. (BNA) 977 (D.C. Cir. 1982).

⁴ "[The unavoidable] standard has been found to be extremely hard to meet. Some patent owners have lost their patent rights due to this inflexible standard." 138 CONG. REC. S16613, 16614 (September 30, 1992) (Rep. DeConcini) (emphasis added). "The unavoidable standard has proved to be too stringent in many cases." 138 CONG. REC. H1115 (October 3, 1992) (Rep. Hughes) (emphasis added). "The unavoidable standard is 'too stringent'. Some patent owners have lost their patent rights due to circumstances that do not warrant this harsh result, but that could not be considered 'unavoidable' under current law." 138 CONG. REC. E1688 (June 4, 1992) (extension of remarks of Rep. McCollum) (emphasis added).

Discussion

37 C.F.R. § 1.378(b) requires a party to “enumerate the steps taken to ensure timely payment of the maintenance fee.” In other words, a failure by a party to take, or obligate another party to take, steps to ensure timely payment of maintenance fees, will “preclude acceptance of the delayed payment of the maintenance fee under 37 CFR 1.378(b)(3).”⁵ In this case, Petitioner has failed to identify any steps taken to ensure the maintenance fee would be timely paid. Therefore, the petition cannot be granted.

Petitioner discusses the fact third parties have not previously shown an interest in the invention. However, a belief the patent may lack the value necessary to warrant expending time and effort to ensure the patent is maintained will not support a finding of unavoidable delay. Under the unavoidable standard, one must demonstrate one has exercised the same level of, with emphasis added, “care or diligence ... generally used and observed by prudent and careful men in relation to their *most important business*.”⁶

For the reasons above, the showing of record is not sufficient to establish that the entire delay in payment of the 3.5 year maintenance fee was unavoidable within the meaning of 37 CFR 1.378(b).

The address on the petition does not include a zip code. However, the Office has determined the apparent zip code for the address using the zip code finder portion of the United States Postal Service’s website.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a request to change the address of record should be filed. Although this decision is being mailed to the address given on the petition; the Office will mail all future correspondence solely to the current address of record absent a request for the Office to change the address.

Petitioner's current options:

I. Petitioner may file a request for reconsideration.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. Any request for reconsideration of this decision must be accompanied by a non-refundable petition fee of \$400 as set forth in 37 CFR 1.17. Extensions of time under 37 CFR 1.136(a) are NOT permitted. The reconsideration request should include a cover letter entitled “Renewed Petition under 37 CFR 1.378(b).”

After a decision on the petition for reconsideration is issued, no further reconsideration or review of the matter will be undertaken by the Director. Therefore, it is extremely important that

⁵ Manual of Patent Examining Procedure (“MPEP”) § 2590 (8th ed., Rev. 8, July 2010).

⁶ *In re Mattulath*, 38 App. D.C. 497, 514-15 (D.C. Cir. 1912).

petitioner supply any and all relevant information and documentation with his request for reconsideration. The Commissioner's decision will be based solely on the administrative record in existence. Petitioner should remember that it is not enough that the delay was unavoidable; petitioner must prove that the delay was unavoidable. A petition will not be granted if petitioner provides insufficient evidence to "show" that the delay was unavoidable. Therefore, if a request for reconsideration is filed, it must establish that the entire delay in the submission of the maintenance fee was unavoidable.

II. Petitioner may request a refund of the maintenance fee and surcharge which accompanied the petition.

Since the petition is dismissed, petitioner may request a refund of the maintenance fee and surcharge. Petitioner is reminded that if a request for reconsideration is later filed along with the \$400 fee, the \$400 will not be refunded. A request for a refund should be sent to: Mail Stop 16, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany any request for refund.

Further correspondence with respect to this matter may be submitted as follows:

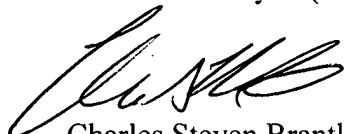
By Internet: A request for reconsideration may be filed electronically using EFS Web.⁷
Document Code "PET.OP" should be used if the request is filed electronically.

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

By hand: U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

⁷ General Information concerning EFS Web can be found at <http://www.uspto.gov/patents/process/file/efs/index.jsp>.



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MICHAEL D. FARLEY
905 RUSSO DR.
WESTHAMPTON NJ 08060

MAILED

SEP 20 2010

OFFICE OF PETITIONS

In re Patent No. **6,767,563**
Issue Date: July 27, 2004
Application No. 10/234,987
Filed: August 26, 2002
Attorney Docket No. **FA-004**

DECISION ON PETITION
UNDER 37 CFR 1.378(c)

This is a decision on the petition under 37 CFR 1.378(c), filed July 15, 2010, to accept the unintentionally delayed payment of a maintenance fee for the above-identified patent.

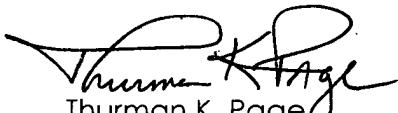
The petition is **GRANTED**.

This patent expired at midnight on July 27, 2008 for failure to pay the 3½ year maintenance fee. Since this petition was submitted within twenty-four months after the six-month grace period provided in 37 CFR 1.362(e), the petition was timely filed under the provisions of 37 CFR 1.378(c).

The maintenance fee is hereby accepted and the above-identified patent is reinstated as of the mail date of this decision.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

The patent file is being forwarded to Files Repository.


Thurman K. Page
Petitions Examiner
Office of Petitions

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6,665,948	2003-12-23	10/235,106	2002-09-05	210370.0001

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|-----------------------|-----------|--------|
| <input type="radio"/> | 3 ½ year | (1551) |
| <input type="radio"/> | 7 ½ year | (1552) |
| <input type="radio"/> | 11 ½ year | (1553) |

Small Entity

- | | Fee | Code |
|----------------------------------|-----------|--------|
| <input type="radio"/> | 3 ½ year | (2551) |
| <input checked="" type="radio"/> | 7 ½ year | (2552) |
| <input type="radio"/> | 11 ½ year | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/Clark A. Jablon/	Date (YYYY-MM-DD)	2012-04-11
Name	Clark A. Jablon	Registration Number	35039
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Patent No. 6665948 :
Issue Date: December 23, 2003 :
Application No. 10235106 :DECISION GRANTING PETITION
Filed: September 5, 2002 :UNDER 37 CFR 1.378(c)
Attorney Docket No. 10370-1 :

This is a decision on the electronic petition, filed April 11, 2012, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of April 11, 2012. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.



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EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON MA 02205

MAILED

AUG 09 2011

OFFICE OF PETITIONS

In re Application of :
Henry Roth et al. :
Application No. 10/236,266 :
Filed: September 6, 2002 :
Attorney Docket No. **86670(308092)** :

NOTICE

This is a notice regarding your request filed July 20, 2011, for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions



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FITCH EVEN TABIN & FLANNERY
120 SOUTH LASALLE STREET
SUITE 1600
CHICAGO IL 60603-3406

MAILED

NOV 05 2010

OFFICE OF PETITIONS

In re Patent No. 7,366,913
Issued: April 29, 2002
Application No. 10/236,291
Filed: September 4, 2002
Attorney Docket No. 94015

: DECISION ON PETITION
: UNDER 37 CFR 1.78(a)(6) AND
: REQUEST FOR CERTIFICATE OF
: CORRECTION
:

This is a decision on the petition filed September 30, 2010, which is being treated as a petition under 37 CFR 1.78(a)(6), seeking to add a claim for priority under 35 U.S.C. § 119(e) to a prior-filed provisional application, by way of a certificate of correction.

The petition is **DISMISSED**.

A review of the file record fails to disclose that a claim for the benefit of priority to the above-noted, prior-filed provisional application was made within the time period set forth in 37 CFR 1.78(a)(5)(ii) and further failed to include a proper reference to the prior-filed application as required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i).

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(6) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

This petition fails to satisfy item (1). In this regard, 37 CFR 1.78(a)(5)(ii) requires that a claim for benefit of priority to a prior-filed provisional application must be submitted during the pendency of the application. 35 U.S.C. 119(e)(1), as amended by the IPA,

clearly prohibits the addition or correction of priority claims under 35 U.S.C. 119(e) when the application is not pending, *e.g.*, an issued patent. Therefore, a Certificate of Correction is no longer a valid mechanism for adding or correcting a priority claim under 35 U.S.C. 119(e) after a patent has been granted on an application filed on or after November 29, 2000. *See* MPEP 1481.03. Therefore, as this application matured into Patent No. 7,366,913 on April 29, 2008, a claim for benefit of priority to the above-noted provisional application cannot now be added by way of a Certificate of Correction.

Petitioner may wish to file a reissue application if it is desired to claim benefit of priority to provisional Application No. 60/236,291 or, in the alternative, claim benefit of the provisional application under 35 U.S.C. 120. *See* MPEP 201.11B, which states,

Although 35 U.S.C. 120 does not preclude the benefit claim to a provisional application, it is not recommended that applicants claim the benefit of the provisional application under 35 U.S.C. 120 since such a claim could have the effect of reducing the patent term, as the term of a patent issuing from such an application may be measured from the filing date of the provisional application pursuant to 35 U.S.C. 154(a)(2).

Any inquiries concerning this decision may be directed to Joan Olszewski at (571) 272-7751.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions



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RYAN, MASON & LEWIS, LLP
1300 POST ROAD
SUITE 205
FAIRFIELD CT 06824

MAILED
FEB 03 2011
OFFICE OF PETITIONS

In re Application of: :
Joseph L. Hellerstein et al. :
Application No. 10/236,594 : PETITION DECISION
Filed: September 6, 2002 :
Attorney Docket No. YOR920010676US1 :

This is a decision on the petition filed December 6, 2010 under 37 CFR 1.183 which is being treated as a petition under 37 CFR 1.183 to waive the requirements of 37 CFR 1.131.

The petition is **DISMISSED**.

The application as-filed identified four inventors as the inventive entity: Joseph Hellerstein, Sheng Ma, Chang-Shin Perng and Haixun Wang. A declaration under 37 CFR 1.131 was filed on December 6, 2010 but was not signed by co-inventor Sheng Ma.

Petitioner has filed the instant petition to request waiver of the signature of the unavailable inventor, Ma.

MPEP 715.04(I) states in part:

Where one or more of the named inventors of the subject matter of the rejected claim(s) (who had originally signed the oath or declaration for patent application under 37 CFR 1.63) is now unavailable to sign an affidavit or declaration under 37 CFR 1.131, the affidavit or declaration under 37 CFR 1.131 may be signed by the remaining joint inventors provided a petition under 37 CFR 1.183 requesting waiver of the signature of the unavailable inventor be submitted with the affidavit or declaration under 37 CFR 1.131. Proof that the non-signing inventor is unavailable or cannot be found similar to the proof required for a petition under 37 CFR 1.47 must be submitted with the petition under 37 CFR 1.183 (see MPEP § 409.03(d)). Petitions under 37 CFR 1.183 are decided by the Office of Petitions (see MPEP § 1002.02(b)).

The applicable statute (35 U.S.C. § 116) requires that a "diligent effort" have been expended in attempting to find or reach the non-signing inventor. See MPEP 409.03(a). The showing currently fails to demonstrate, with a documented showing, that a diligent effort was made to

find or locate the non-signing inventor, such that the declaration can be accepted under 37 CFR 1.131. Where inability to find or locate a named inventor is alleged, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made to locate the inventor.

Petitioner has not demonstrated that the non-signing inventor refuses to sign the declaration. There is a statement that an internet search was made to find Ma.

At the very least, petitioner should mail correspondence to the no-signing inventor's last known address, return receipt and/or forwarding address requested. If a forwarding address is provided, petitioner should then mail a copy of the affidavit to Ma's forwarding address, return receipt requested, along with a cover letter of instructions which includes a deadline or a statement that no response will constitute a refusal. This sort of ultimatum lends support to a finding of refusal by conduct. It is important that the forthcoming communication contain statements of fact as opposed to conclusions.

Where there is an express or oral refusal, that fact, along with the time and place of the refusal, must be stated in an affidavit or declaration by the party to whom the refusal was made. Where there is a written refusal, a copy of the document(s) evidencing that refusal must be made part of the affidavit or declaration.

When it is concluded that an inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence must be submitted.

Whenever an inventor gives a reason for refusing to sign the affidavit, that reason should be stated in the affidavit or declaration.

The fee for a petition filed under 37 CFR 1.183 is set forth under 37 CFR 1.17(f) which is currently \$400. Petitioner included a petition fee of \$200. The remaining balance of \$220 has been charged to petitioner's deposit account.

Telephone inquiries concerning this matter should be directed to Carl Friedman at (571) 272-6842.



Carl Friedman
Petitions Examiner
Office of Petitions



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RYAN, MASON & LEWIS, LLP
1300 POST ROAD
SUITE 205
FAIRFIELD CT 06824

MAILED

JUN 28 2011

OFFICE OF PETITIONS

In re Application of :
Joseph L. Hellerstein et al. :
Application No. 10/236,594 : PETITION DECISION
Filed: September 6, 2002 :
Attorney Docket No. YOR920010676US1 :

This is a decision on the renewed petition, filed March 3, 2011, under 37 CFR 1.183 Requesting Waiver of The Signatures of Unavailable Inventors which is being treated as a petition under 37 CFR 1.183 to waive the requirements of 37 CFR 1.131.

The petition is **GRANTED**.

The application as-filed identified four inventors as the inventive entity: Joseph Hellerstein, Sheng Ma, Chang-Shin Pering and Haixun Wang. A Declaration under 37 CFR 1.131(a) was filed on December 6, 2010 but was not signed by co-inventor Ma.

Petitioner has filed the instant renewed petition to request waiver of the signature of the unavailable inventor.

MPEP 715.04(I) states in part:

Where one or more of the named inventors of the subject matter of the rejected claim(s) (who had originally signed the oath or declaration for patent application under 37 CFR 1.63) is now unavailable to sign an affidavit or declaration under 37 CFR 1.131, the affidavit or declaration under 37 CFR 1.131 may be signed by the remaining joint inventors provided a petition under 37 CFR 1.183 requesting waiver of the signature of the unavailable inventor be submitted with the affidavit or declaration under 37 CFR 1.131. Proof that the non-signing inventor is unavailable or cannot be found similar to the proof required for a petition under 37 CFR 1.47 must be submitted with the petition under 37 CFR 1.183 (see MPEP § 409.03(d)). Petitions under 37 CFR 1.183 are decided by the Office of Petitions (see MPEP § 1002.02(b)).

As noted in the above paragraph, proof that the non-signing inventor is unavailable is similar to the proof required under 37 CFR 1.47. This is discussed in MPEP 409.03(d)(I) which states in part:

Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.


Under the facts presented, it is agreed that justice requires waiver of the rules to the extent that they required Sheng Ma to declare. However, the favorable decision herein does not relieve applicants from their burden to establish that the invention was completed before the date of the reference and that the claimed invention was the product of the joint inventors. See In re Carlson, 79 F.2d. 900, 27 USPQ 400 (CCPA 1935).

For the reasons stated, the petition is granted.

The petition fee of \$400 included with this renewed petition is not required as the petition fee was paid with the initial petition filed December 6, 2020. The \$400 duplicate fee is refunded to petitioners deposit account.

Telephone inquiries concerning this matter should be directed to Carl Friedman at (571) 272-6842.

This application is being forwarded to Technology Center Art Unit 2158.


David Bucci
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/236,727	09/06/2002	Bryan Lester Striemer	ROC920020022US1	5905
30206	7590	01/26/2011		
IBM CORPORATION ROCHESTER IP LAW DEPT. 917 3605 HIGHWAY 52 NORTH ROCHESTER, MN 55901-7829			EXAMINER POLLACK, MELVIN H	
			ART UNIT 2445	PAPER NUMBER
			NOTIFICATION DATE 01/26/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

rociplaw@us.ibm.com



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Commissioner for Patents
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Alexandria, VA 22313-1450
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MAILED

JAN 26 2011

**DIRECTOR OFFICE
TECHNOLOGY CENTER 2400**

IBM CORPORATION
ROCHESTER IP LAW DEPT. 917
3605 HIGHWAY 52 NORTH
ROCHESTER MN 55901-7829

In re Application of: STRIEMER, BRYAN LESTER
Application No. 10236727
Filed: September 6, 2002
For: WHO, WHAT, WHERE, WHEN INFORMATION
SUPPLY FACILITY

**DECISION ON PETITION UNDER
37 C.F.R. § 1.181**

This is a decision on the petition filed September 7, 2010 under 37 CFR § 1.181 to invoke Supervisory Authority of the Director for relief from an action of the Examiner reopening prosecution following a decision of the Board of Patent Appeals and Interferences.

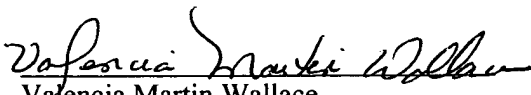
Applicant's counsel filed a petition to the Director under 37 CFR § 1.181 to seek relief from actions of the Examiner in relation to the issuance of a new non final Office action reopening prosecution after the decision of the Board of Patent Appeals and Interferences. In the petition, Applicant's counsel requests that the new non final Office action be withdrawn and the Examiner directed to issue a Notice of Allowance.

A review of the file revealed the following facts: A final Office action was issued on September 26, 2006, rejecting claims 1-36 under 35 U.S.C. 103(a) as being unpatentable over Baker (2001/0048449) in view of Albrecht (XP-001001314). This rejection was reversed by the Board of Patent Appeals and Interferences on a decision rendered on July 2, 2009.

On July 8, 2010, Examiner issued a new non-final action rejecting Claims 1-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker (2001/0048449) in view of Albrecht (XP-001001314) and Keskar (6,832,242). There is no indication in the record that Examiner obtained the Director's authorization to reopen prosecution after the Board decision. On January 25, 2011, Examiner withdrew his new rejection and issued a notice of allowance. The withdrawal of the rejection and issuance of the notice of allowance in effect provided the relief sought by Applicant.

Accordingly, the petition is **DISMISSED AS MOOT.**

Any inquiry concerning this decision should be directed to Hassan Kizou at (571) 272-3088.


Valencia Martin Wallace
Director
Technology Center 2400

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PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
7066856	2006-06-27	10236766	2002-09-06	FRYTX 114

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|---------------------------------|-----|--------|
| <input type="radio"/> 3 ½ year | | (1551) |
| <input type="radio"/> 7 ½ year | | (1552) |
| <input type="radio"/> 11 ½ year | | (1553) |

Small Entity

- | | Fee | Code |
|---|-----|--------|
| <input checked="" type="radio"/> 3 ½ year | | (2551) |
| <input type="radio"/> 7 ½ year | | (2552) |
| <input type="radio"/> 11 ½ year | | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/Jason H. Foster/	Date (YYYY-MM-DD)	2010-11-12
Name	Jason H. Foster	Registration Number	39981
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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In re Patent No.	7066856	:
Issue Date:	June 27, 2006	:
Application No.	10236766	:DECISION GRANTING PETITION
Filed:	September 6, 2002	:UNDER 37 CFR 1.378(c)
Attorney Docket No.	1299-001/JRD	:

This is a decision on the electronic petition, filed November 12, 2010, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of November 12, 2010. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.



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MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO IL 60661

MAILED

NOV 09 2010

OFFICE OF PETITIONS

In re Patent No. 7,620,692 : DECISION ON REQUEST
MIZRACHI et al : FOR
Issue Date: November 17, 2009 : RECONSIDERATION OF
Application No. 10/236,768 : PATENT TERM ADJUSTMENT
Filing Date: September 6, 2002 :
Attorney Docket No. 17060US02 :

This is a decision on the petition filed on June 18, 2010, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted from one thousand five hundred fourteen (1514) days to one thousand five hundred sixteen (1516) days.

Patentee requests this correction, in part, on the basis that the Office took in excess of three years to issue this patent and in light of the court decision in *Wyeth v. Dudas*. Additionally, patentee disputes the period of reduction of 20 days pursuant to 37 CFR 1.704(c)(10) for the filing of an amendment under 37 CFR 1.312 on September 24, 2009, after the date of mailing of the notice of allowance.

To the extent patentee requests reconsideration of the patent term adjustment on the basis of the reduction under 37 CFR 1.704(c)(10), the petition is **DISMISSED AS UNTIMELY FILED.**

35 U.S.C. 154(b) provides for patent term adjustment for examination delay. Pursuant to 35 U.S.C. 154(b)(3) and implementing regulation 37 CFR 1.705(d), any request for reconsideration of the patent term adjustment indicated on the patent must be filed within two (2) months of the date the

patent issued and must comply with the requirements of 37 CFR 1.705(b)(1) and (b)(2).

On July 1, 2009, the Office mailed the initial Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application indicating the patent term adjustment was 1282 days as of the mailing date of the notice of allowance. Thereafter, on October 28, 2009, the Office mailed the revised Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice revealed that the initial patent term adjustment of 1282 days was further reduced by 20 days pursuant to 37 CFR 1.704(c)(10) for a revised total patent term adjustment of 1262 days. On November 17, 2009, the application issued as U.S. Patent No. 7,620,692. Patentee did not file a request for reconsideration under 37 CFR 1.705(d) of the revised patent term adjustment disputing the period of reduction under 37 CFR 1.704(c)(10) within two (2) months after the date the patent issued. Rather, patentee filed a REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT IN VIEW OF *WYETH* on April 15, 2010, requesting recalculation of the patent term adjustment on the sole basis of the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A). On April 22, 2010, the Office mailed a decision granting the request for recalculation and indicating that the patent term adjustment was 1479 days. On May 18, 2010, Office mailed a Notice vacating the decision of April 22, 2010, and granting the request for reconsideration to the extent that patentee was entitled to a patent term adjustment of 1514 days. On June 18, 2010, patentee filed the present petition under 37 CFR 1.705(d) raising the period of reduction pursuant to 37 CFR 1.704(c)(10) for the first time.

As the present request for reconsideration disputing the period of reduction under 37 CFR 1.704(c)(10) was not filed until June 18, 2010, which is over two (2) months after the date the patent issued, it is appropriate to dismiss this issue as untimely filed under 37 CFR 1.705(d).

To the extent patentee requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within three years of the filing date, the petition is **DISMISSED**. Patentee is given TWO (2) MONTHS to respond to this decision. No extensions of time will be granted under 37 CFR 1.136(a).

37 CFR 1.703(b) indicates that the period of adjustment under 37 CFR 1.702(b) ("over three year period") is the number of days, if any, in the period beginning on the day after the date that is three years after the actual filing date of the application and ending on the date a patent was issued. 35 U.S.C.

154(b)(1)(B). However, 37 CFR 1.703(b) also sets forth the limitations on patent term adjustment specified in 35 U.S.C. 154(b)(1)(B)(i) and (ii). Specifically, 37 CFR 1.703(b)(1) provides that the period of adjustment of the term of a patent shall not include the period beginning on the date on which a request for continued examination of the application under 35 U.S.C. 132(b) was filed and ending on the date the patent was issued.

As the period from the filing date of the request for continued examination (RCE) to the issue date of the patent is not included in the B delay period, the over three year period begins on September 7, 2005, and ends on February 18, 2008, the day before the RCE was filed, and is 895 (not 896) days. See 35 U.S.C. 154(b)(1)(B)(i).

Accordingly, the patent term adjustment remains 1514 days.

The Office acknowledges the submission of the \$200.00 fee set forth in 37 CFR 1.18(e).

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



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SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, NW
Washington DC 20037-3213

MAILED

FEB 22 2011

In re Patent No. 6,973,840
Issue Date: December 13, 2005
Application No. 10/236,956
Filed: September 9, 2002
Attorney Docket No. A8414

OFFICE OF PETITIONS
ON PETITION

This is a decision on the petition under 37 CFR 1.378(c), filed December 25, 2010, to accept the delayed payment of a maintenance fee for the above-identified patent.

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration under 37 CFR 1.378(e) must be filed within TWO (2) MONTHS from the mail date of this decision. No extension of this two-month time limit can be granted under 37 CFR 1.136(a) or (b). This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Any petition for reconsideration of this decision must be accompanied by the petition fee of \$400 as set forth in 37 CFR 1.17(f). The petition for reconsideration must include the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A petition to accept the unintentionally delayed payment of a maintenance fee under 35 U.S.C. 41(c) and 37 CFR 1.378(c) must be accompanied by: (1) a statement that the delay was unintentional; (2) payment of the appropriate maintenance fee, unless previously submitted; (3) payment of the surcharge set forth in 37 CFR 1.20(i)(2).

This petition requirements (2) and (3) set forth above. Any request for reconsideration must be accompanied by the required maintenance fee, surcharge, and petition fee of \$400.00.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions

Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries should be directed to the undersigned at (571) 271-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions



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MAILED
MAY 09 2011
OFFICE OF PETITIONS

In re Patent No. 6,973,840 :
Issue Date: December 13, 2005 :
Application No. 10/236,956 :
Filed: September 9, 2002 :
Attorney Docket No. A8414 :

ON PETITION

This is a decision on the petition under 37 CFR 1.378(c), filed April 22, 2011, to accept the unintentionally delayed payment of a maintenance fee for the above-identified patent.

The petition is **GRANTED**.

This patent expired on December 14, 2009 for failure to pay the 3.5 year maintenance fee. Since this petition was submitted within twenty-four months after the six-month grace period provided in 37 CFR 1.362(e), the petition was timely filed under the provisions of 37 CFR 1.378(c).

The maintenance fee is hereby accepted and the above-identified patent is reinstated as of the mail date of this decision.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

The patent file is being forwarded to Files Repository.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions



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STERLING HEIGHTS MI 48310

MAILED

OCT 12 2011

OFFICE OF PETITIONS

Patent No. 7,513,449
Issued: April 7, 2009
Application No. 10/237,007
Filed: September 7, 2002
Attorney Docket No. TGR100D1

:
: DECISION ON PETITION UNDER
: 37 CFR 1.78(a)(3) AND
: REQUEST FOR CERTIFICATE OF
: CORRECTION

This is a decision on the petition, filed September 9, 2011, which is being treated as a petition under 37 CFR 1.78(a)(3), seeking to add a claim for priority under 35 U.S.C. § 120 to prior-filed nonprovisional application, by way of a certificate of correction.

The petition under 37 CFR 1.78(a)(3) is **DISMISSED** as moot.

The request for a Certificate of Correction is **GRANTED**.

A review of the the Utility Patent Application Transmittal, filed September 7, 2002, identifies the relationship of the above-identified application to be a continuation-in part to the prior nonprovisional application 10/076,638.

The current procedure where a claim for priority under 37 CFR § 1.78(a)(3) and 1.78(a)(6) is not properly included in the first sentence of the specification or in an ADS but does appear either in the oath or declaration or a transmittal letter filed with the application and the Office notes the claim for priority, no petition will be required to accept a late claim for priority. This is because the application would have been scheduled for publication on the basis of the information concerning the claim submitted elsewhere in the application within the time period set forth in 37 CFR § 1.78(a)(2)(ii) and 1.78(a)(5)(ii). However, on the other hand, if the USPTO does not note the claim for priority to the prior-filed application(s) set forth in the oath or declaration or transmittal letter submitted with the application, a petition will be required to accept a late claim for priority under 37 CFR § 1.78.¹

In the instant application, the claim for priority is clearly noted on the Official Filing Receipt, which was mailed October 10, 2002.

Therefore, since a proper claim for priority under 37 CFR §§ 1.78(a)(3) was included on the Utility Patent Application Transmittal as originally filed on September 7, 2002, no petition and fee are required.

¹ Note MPEP 201.11 (V), page 200-75 (Rev. 1. Feb. 2004 and 66 Federal Register 67087 at 67089 (Dec. 28, 2001), effective December 28, 2001.

Petitioner will not be charged the Certificate of Correction fee of \$100.00 since the error appears to be on the part of the USPTO.

It is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent regarding the above-identified patent. However, in accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts. Additionally, the address given on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Any inquiries concerning this decision may be directed to Joan Olszewski at (571) 272-7751.

This matter is being referred to the Certificates of Correction Branch for processing the request for a certificate of correction.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

cc: Aleya R. Champlin, Esq.
Briggs and Morgan, P.A.
2200 IDS Center
80 South Eighth Street
Minneapolis, MN 55402



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DW Apr-11

JONG PETER PARK
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LOS ANGELES CA 90017

MAILED
APR 12 2011
OFFICE OF PETITIONS

In re Patent No. 6,698,337 :
Issued: March 2, 2004 :
Application No. 10/237,288 : DECISION ON PETITION
Filed: September 9, 2002 :
For: AIR CORE COOKWARE :

This is a decision on the petition filed on January 13, 2011, under 37 CFR § 1.378(b) to accept the delayed payment of a maintenance fee for the above-identified patent.

The petition is **dismissed**.

If reconsideration of this decision is desired, a petition for reconsideration under 37 CFR 1.378(e) must be filed within TWO (2) MONTHS from the mail date of this decision. No extension of this 2-month time limit can be granted under 37 CFR 1.136(a) or (b). Any such petition for reconsideration must be accompanied by the petition fee of \$400.00 as set forth in 37 CFR 1.17(f). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

The patent issued March 2, 2004. The first maintenance fee could have been paid on March 2, 2007 through September 4, 2007, or with a surcharge from September 5, 2007 through March 2, 2008. Accordingly, the patent expired on March 3, 2008, for failure to timely submit the maintenance fee.

Petitioner asserts that the delay was unavoidable because of circumstances surrounding applicant's health related issues, which resulted in the closing of applicant's business and

reliance on Mr. Andy Kim, the employee of Aircore in charge of applicant's patent.

The petition states that "... my doctor and everyone in my family urged me to close my company and business in order to improve my health, which was confirmed medically to be affected seriously by work-related intense stress. ... Prior to the dissolution of the company, and prior to the abandonment of the patent, I had instructed Mr. Andy Kim, the employee of Aircore in charge of my patent portfolio, to ensure that all patent notices will be forwarded to me at the home address, because the company would soon to be dissolved. Just prior to the dissolution of the company, I asked Mr. Kim whether the forwarding address of all important documents, including all patent related documents, was my home address in Diamond Bar. Mr. Kim has affirmed that the forwarding address was indeed changed, the Patent Office notified, and I would receive all notices timely. The company was dissolved in October 2003, and I have never received any notices from the PTO notifying any notices regarding the '337 patent, including any notices related to an upcoming abandonment due to non-payment of the maintenance fee. In fact, I still have not received any notices to that matter."

A petition to accept the delayed payment of a maintenance fee under 35 USC 41(c) and 37 CFR 1.378(b) must be accompanied by (1) an adequate, verified showing that the delay was unavoidable, since reasonable care was taken to ensure that the maintenance fee would be paid timely and that the petition was filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent, (2) payment of the appropriate maintenance fee, unless previously submitted, and (3) payment of the surcharge set forth in 37 CFR 1.20(i)(1).

This petition lacks item (1) above.

The Director may accept late payment of the maintenance fee if the delay is shown to the satisfaction of the Director to have been "unavoidable".¹

A late maintenance fee is considered under the same standard as that for reviving an abandoned application under 35 U.S.C. § 133 because 35 U.S.C. § 41(c)(1) uses identical language (i.e. "unavoidable delay").² Decisions reviving abandoned applications

¹ 35 U.S.C. § 41(c)(1).

² Ray v. Lehman, 55 F.3d 606, 608-09, 34 USPQ2d 1786, 1787 (Fed. Cir. 1995) (quoting In re Patent No. 4,409,763, 7 USPQ2d 1798, 1800 (Comm'r Pat. 1989)).

have adopted the reasonably prudent person standard in determining if the delay was unavoidable.³ In this regard:

The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.⁴

As 35 U.S.C. § 41(c) requires the payment of fees at specified intervals to maintain a patent in force, rather than some response to a specific action by the Office under 35 U.S.C. § 133, a reasonably prudent person in the exercise of due care and diligence would have taken steps to ensure the timely payment of such maintenance fees.⁵ That is, an adequate showing that the delay was "unavoidable" within the meaning of 35 U.S.C. § 41(c) and 37 CFR 1.378(b)(3) requires a showing of the steps taken to ensure the timely payment of the maintenance fees for this patent.⁶

Turning to the assertion that Mr. Kim (employee of Aircore in charge of applicant's patent), affirmed that the forwarding address was indeed changed and the Patent Office notified to ensure that applicant would receive all notices timely; reliance upon a third party's obligation in this matter does not

³ Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (Comm'r Pat. 1887) (the term "unavoidable" "is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used by prudent and careful men in relation to their most important business").

⁴ In re Mattullath, 38 App. D.C. 497, 514-15 (1912) (quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

⁵ Ray, 55 F.3d at 609, 34 USPQ2d at 1788.

⁶ Id.

constitute unavoidable delay within the meaning of 35 U.S.C. § 133. Applicant should explain his relationship with Mr. Kim and show what steps (documents if any) were taken by applicant to inquire as to the third party's reasonably diligent efforts of his obligation regarding the timely payment of the maintenance fee for the above-identified patent. If petitioner cannot provide evidence of the third party's obligation to assist in the assurance of the timely payment of the maintenance fee for the above-identified patent, and that applicant had maintained inquiry with that third party as to the steps taken to timely pay the maintenance fee, then petitioner must indicate what steps were taken by applicant to ensure timely payment of the maintenance fee.

The U.S. Patent and Trademark Office must rely on the actions or inactions of duly authorized and voluntarily chosen representatives of the applicant, and applicant is bound by the consequences of those actions or inactions.⁷ Specifically applicant's delay caused by the mistakes or negligence of their voluntarily chosen representative does not constitute unavoidable delay within the meaning of 35 U.S.C. § 41(c)(1) or 37 CFR 1.378(b).⁸ applicant was not forced, but rather made a conscious decision to obtain the services of the chosen representative in payment of the maintenance fees for this patent, and therefore must be held accountable for his actions, or lack thereof, before the Office.

Further, a patentee's lack of knowledge of the need to pay the maintenance fee and the failure to receive the Maintenance Fee Reminder do not constitute unavoidable delay.⁹ Under the statute and regulations, the Office has no duty to notify patentees of the requirement to pay maintenance fees or to notify patentees when the maintenance fees are due. The Office's mailing of Maintenance Fee Reminders is carried out strictly as a courtesy. Accordingly, it is solely the responsibility of the patentee to assure that the maintenance fee is timely paid to prevent expiration of the patent. The lack of knowledge of the requirement to pay a maintenance fee and/or the failure to receive the Maintenance Fee Reminder will not shift the burden of

⁷ Link v. Wabash, 370 U.S. 626, 633-34 (1962).

⁸ Haines v. Quigg, 673 F. Supp. 314, 5 USPQ2d 1130 (D. Ind. 1987); Smith v. Diamond, 209 USPQ 1091 (D.D.C. 1981); Potter v. Dann, 201 USPQ 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 130, 131 (Comm'r Pat. 1891).

⁹ See Patent No. 4,409,763, *supra*; see also "Final Rules for Patent Maintenance Fees" 49 Fed. Reg. 34716, 34722-34723 (August 31, 1984), reprinted in 1046 Off. Gaz. Pat. Office 28, 34 (September 25, 1984).

monitoring the time for paying a maintenance fee from the patentee to the Office.¹⁰

Additionally, applicant asserts incapacitation as the cause of unavoidable delay. A showing of "unavoidable" delay based upon incapacitation must establish that petitioner's incapacitation was of such nature and degree as to render petitioner unable to conduct business (e.g., correspond with the Office) during the period between March 2, 2008 and January 13, 2011. Such a showing must be supported by a statement from petitioner's treating physician, and such statement must provide the nature and degree of petitioner's incapacitation during this above-mentioned period.

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO.

In summary, the showing of record does not support a finding of unavoidable delay. A delay resulting from a lack of knowledge or improper application of the patent statute, rules of practice, or the MPEP does not constitute an "unavoidable" delay.¹¹

Petitioners should note that if this petition is not renewed, or if renewed and not granted, then the maintenance fee and post-expiration surcharge are refundable. The \$400.00 petition fee for seeking reconsideration is not refundable. Any request for refund should be in writing to the address noted below.

¹⁰ Rydeen v. Quigg, 748 F. supp. at 900.

¹¹ See Haines v. Quigg, 673 F. Supp. 314, 317, 5 USPQ 1130, 1132 (N.D. Ind. 1987), Vincent v. Mossinghoff, 230 USPQ 621, 624 (D.D.C. 1985); Smith v. Diamond, 209 USPQ 1091 (D.D.C. 1981); Potter v. Dann, 201 USPQ 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 130, 131 (1891).

There is no indication that the person signing the petition was ever given a power of attorney in the above-identified patent application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney documents must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: Customer Service Window
 Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By fax: (571) 273-8300
 ATTN: Office of Petitions

By internet: EFS-Web
 www.uspto.gov/ebs/efs_help.html
 (for help using EFS-Web call the
 Patent Electronic Business Center
 at (866) 217-9197)

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

Cc:

JOHN K. PARK
3255 WILSHIRE BLVD., SUITE 1110
LOS ANGELES, CA 90010

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 11/2/10

Paper No.:

TO SPE OF : ART UNIT 2629

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/237303 Patent No.: 7339579 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Virginia Tolbert

Certificates of Correction Branch

571-272-0460

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☐ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes do not apply.

☒ **Denied**

State the reasons for denial below.

Comments: _____

The Request for Certificate of Correction is denied.

The proposed change would change the scope/meaning of claims 4-16.

/Jeff Piziali/

11/09/2010



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

November 17, 2010

John W. Stankiewicz
Cantor Colburn LLP
20 Church Street
22nd Floor
Hartford, CT 06103

Patent No: 7,339,569 B2
Application No.: 10/237,303
Applicant: Seung-Hwan Moon, et al.
Issued: March 4, 2008
Title: **LIQUID CRYSTAL DISPLAY, APPARATUS FOR DRIVING A LIQUID CRYSTAL DISPLAY, AND METHOD OF GENERATING GRAY VOLTAGES**

Request for Certificate of Correction:

Consideration has been given to your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rules 1.322/1.323.

The error complained of in column 11, line 7, cannot be corrected per the examiner "the proposed change would change the scope/meaning of claims 4-16".

In view of the foregoing, your request in this matter is hereby **denied**.

Future correspondence concerning this matter should be directed to Decisions & Certificates of Correction Branch.

/Virginia Tolbert/
Virginia Tolbert
For Mary Diggs, Supervisor
Decisions and Certificate of Correction
571-272-0460 (voice)
571-270-9892 (fax)

vt



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No.

IBM CORPORATION
IPLAW SHCB/40-3
1701 NORTH STREET
ENDICOTT NY 13760

MAILED
NOV 23 2010
OFFICE OF PETITIONS

In re Application of :
William L. Hunt et al. :
Application No. 10/237,310 : DECISION ON RENEWED PETITION
Filed: September 9, 2002 : UNDER
Attorney Docket No.: : 37 C.F.R. § 1.137(A)
END920020047US1 :
Title: SERVLET MONITORING TOOL :

This is a decision on the renewed petition pursuant to 37 C.F.R. § 1.137(a)¹, filed on March 13, 2008, to revive the above-identified application.

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R. § 1.113 in a timely manner to the final Office action mailed May 26, 2006, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on August 27, 2006. A notice of abandonment was mailed on December 19, 2006.

¹ A grantable petition pursuant to 37 C.F.R. § 1.137(a) must be accompanied by:

- (1) the required reply (in a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof);
- (2) the petition fee;
- (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable, and;
- (4) a terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

An original petition pursuant to 37 C.F.R. § 1.137(a) was filed on March 20, 2007, to revive the above-identified application, along with an after-final amendment, an assertion that the final Office Action was not received, a statement which sets forth that a search of the file jacket and docket records indicates that the Office communication was not received, and a copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed. Office records show that the fee associated with the filing of the original petition was charged to Deposit Account No. 09-0457 on March 20, 2007.

The original petition was dismissed via the mailing of a decision on September 14, 2007, which indicated that requirements (2) and (3) of Rule § 1.137(a) had been satisfied, and that the fourth requirement is not applicable.

With this renewed petition, Petitioner has submitted a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114, including a request for consideration of the amendment submitted concurrently with the original petition and payment of the RCE fee. The RCE has been accepted as the required reply under 37 C.F.R. § 1.137(a)(1). Petitioner has also included a four-month extension of time so as to make timely this response.

As such, the first three requirements of Rule 1.137(a) have been satisfied.

It follows that this petition is **GRANTED**.

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the submission under 37 C.F.R. § 1.114 - the amendment that was submitted on March 20, 2007 - can be processed.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225². All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

² Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).



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NXP, B.V.
NXP INTELLECTUAL PROPERTY & LICENSING
M/S41-SJ
1109 MCKAY DRIVE
SAN JOSE, CA 95131

MAILED
AUG 13 2010
OFFICE OF PETITIONS

In re Application of :
Abraham Karel Riemens, et al. :
Application No.: 10/237,814 :
Filed: September 9, 2002 :
Attorney Docket No.: NL010640US :

ON PETITION

This is a decision on the petition, filed August 4, 2010, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

It does not appear that the petition is signed by a patent practitioner of record. However, in accordance with 37 CFR 1.34(a), the signature of Philip Jensen appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts. However, if Mr. Jensen desires to receive correspondence regarding this file, the appropriate power of attorney documentation must be submitted. A courtesy copy of this decision is being mailed to Mr. Jensen; however, until otherwise instructed, any further correspondence regarding this application file will be directed solely to the above-noted correspondence address of record.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on July 26, 2010, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). ² Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.

The application is being referred to Technology Center AU 2621 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: PHILIP JENSEN
DLA PIPER LLP (US)
2000 UNIVERSITY AVENUE
EAST PALO ALTO, CA 94303-2248



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FINNEGAN HENDERSON FARABOW
GARRETT & DUNNER LLP
901 NEW YORK AVENUE NW
WASHINGTON DC 20001-4413

MAILED

SEP 27 2010

OFFICE OF PETITIONS

In re Patent No. 6,972,322	: ON PETITION
Fleer, et al.	: UNDER 37 CFR 1.183
Issue Date: 12/06/2005	: and
Application No. 10/237,866	: ON APPLICATION FOR
Filed: 09/10/2002	: PATENT TERM ADJUSTMENT
Attorney Docket No. 06832.0004-06	:

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT (37 C.F.R. 1.705(d))" and the "MEMORANDUM IN SUPPORT OF PETITION TO INVOKE THE SUPERVISORY AUTHORITY OF THE DIRECTOR (37 C.F.R. 1.181(a)(3)) AND/OR PETITION FOR SUSPENSION OF 37 C.F.R. 1.705(d) (37 C.F.R. 1.183)", filed March 5, 2010, requesting suspension of the time limit for consideration of an application for patent term adjustment ("PTA"). The response is properly treated as a request for reconsideration of petition under 37 CFR 1.183.

This petition is **DENIED**.

Your petition for recalculation/reconsideration of the USPTO's PTA determination for U.S. Patent No. 6,972,322 is dismissed as untimely. On February 1, 2010, the USPTO published a Federal Register notice that, *inter alia*, announced a limited waiver of the two-month deadline for filing a petition for reconsideration of a PTA determination under 37 CFR sec. 1.705(d). See Interim Procedure for Patentees to Request a Recalculation of the Patent Term Adjustment to Comply with the Federal Circuit Decision in Wyeth v. Kappos Regarding Overlapping Delay Provisions of 35 U.S.C. sec. 154(b)(2)(A), 75 Fed. Reg. 5043 (Feb. 1, 2010) (notice).

Specifically, patent owners were permitted to request recalculation of a patent's PTA in view of the Federal Circuit decision *Wyeth v. Kappos*, 591 F.3d 1364 (Fed. Cir. 2010) up to 180 days after the grant of the patent. The USPTO determined not to accept any requests for PTA recalculation initially filed more than 180 days after patent grant, however, in view of the statutory judicial-review provisions of 35 U.S.C. sec. 154(b)(4), which require that any civil action to challenge the USPTO's PTA determination be brought within 180 days of patent grant. The USPTO believes that the statutory 180-day period for seeking court review of the USPTO's

PTA determinations, particularly in view of the six-year statute of limitations that otherwise is applicable for actions under the Administrative Procedure Act, indicates a congressional intent that PTA issues be resolved shortly after a patent issues. The USPTO does not consider it likely that Congress created a scheme under which the time period to seek initial USPTO review of a PTA determination extends beyond the time period provided for a dissatisfied patentee to seek judicial review of the USPTO's PTA determination. Thus, the USPTO believes that the 180-day period in 35 U.S.C. sec. 154(b)(4) represents the outer limit on the USPTO's ability to conclude its PTA determination.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Cliff Congo at (571)272-3207.

A handwritten signature in black ink, appearing to read "Anthony Knight", is positioned above the printed name.

Anthony Knight
Director
Office of Petitions

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
7,090,906	2006-08-15	10/238,115	2002-09-10	

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|-----------------------|-----------|--------|
| <input type="radio"/> | 3 ½ year | (1551) |
| <input type="radio"/> | 7 ½ year | (1552) |
| <input type="radio"/> | 11 ½ year | (1553) |

Small Entity

- | | Fee | Code |
|----------------------------------|-----------|--------|
| <input checked="" type="radio"/> | 3 ½ year | (2551) |
| <input type="radio"/> | 7 ½ year | (2552) |
| <input type="radio"/> | 11 ½ year | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/wayne szeto/	Date (YYYY-MM-DD)	2010-09-22
Name	Wayne Szeto	Registration Number	59672
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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In re Patent No. 7090906 :
Issue Date: August 15, 2006 :
Application No. 10238115 :DECISION GRANTING PETITION
Filed: September 10, 2002 :UNDER 37 CFR 1.378(c)
Attorney Docket No. OKEF-07982US1 :

This is a decision on the electronic petition, filed September 22, 2010, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of September 22, 2010. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.



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Randall K McCarthy
Fellers Snider Blankenship Bailey & Tippens
Bank One Tower Suite 1700
100 North Broadway
Oklahoma City OK 73102-8820

MAILED

AUG 27 2010

OFFICE OF PETITIONS

In re Application of	:
Carson	: DECISION ON REQUEST
Application No. 10/239,328	: FOR RECONSDIERATION
Filed: September 20, 2002	: OF PATENT TERM
Attorney Docket No. 22806.96.US	: ADJUSTMENT

This is a decision on the REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT INDICATED IN NOTICE OF ALLOWANCE (37 C.F.R. § 1.705), filed April 5, 2010. Applicants request that the Office reconsider the determination of Patent Term Adjustment (PTA) that accompanied the Notice of Allowance. Applicants request that the initial determination of patent term adjustment be corrected to one thousand, ten (1,010) days.

The request for reconsideration of patent term adjustment is DISMISSED.

On January 13, 2010, the Office mailed the Determination of Patent Term Extension under 35 U.S.C. 154(b) (application filed after June 7, 1995 but prior to May 29, 2000) in the above-identified application. The Notice stated that the patent term extension to date is 0 days. Petitioner asserts entitlement to a period of adjustment of one thousand, ten (1,010) days. The Patent Term Guarantee Act of 1999 amended 35 U.S.C. § 154 to include § 154(b), which provides for adjustment of patent term due to examination delay. The provisions of § 154(b) related to adjustment of patent term to administrative delay apply only to original application, other than designs, filed on or after May 29, 2000. The provisions do not application to international applications filed before May 29, 2000, by virtue to the requirements of 35 U.S.C. 371 having been met on or after May 29, 2000. The date on which an international application fulfills the requirements of 35 U.S.C. 371 is not the filing date, or even relevant to the filing date of the international application. Section 4405 of the American Inventors Protection Act of 1999 provides that the amendment relating to the patent

term adjustment shall apply to any application filed on or after May 29, 2000, but does not provide that its patent term adjustment provisions apply to international applications filed before May 29, 2000, that complied with the requirements of 35 U.S.C. 371 on after May 29, 2000. See Comment 6 to Changes to Implement Patent Term Adjustment under Twenty-Year Patent Term; Final Rule, 65 Fed. Reg. 54366 (September 18, 2000).

Since the international filing date of this application, March 31, 2000, is before May 29, 2000, this application is not eligible for patent term adjustment due to examination delay.

A Request for Continued Examination (RCE) was filed in this application on December 23, 2009. However, and RCE is not a new application. Therefore, an application does not become eligible for PTA due to examination delay by virtue of the filing of an RCE after May 29, 2000.

Since the above-identified application did not have a successful appeal, inference, or secrecy order delay, this application is not eligible for the extension or adjustment under 35 U.S.C. 154. The Office has no authority to grant an extension or adjustment of the term due to administrative delays except as authorized by 35 U.S.C. § 154.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application file is being forwarded to the Office of Data Management for issuance of the patent.

Telephone inquiries regarding this matter should be directed to the undersigned, at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED
MAR 28 2011
OFFICE OF PETITIONS

WESTERNGECO L.L.C.
10001 RICHMOND AVENUE
KEVIN MCENANEY, IP DEPT
HOUSTON TX 77042-4299

In re Application of
HOPPERSTAD, et al
Application No. 10/239,443
Filed: February 19, 2003
Attorney Docket No. 14.0169-PCT-US

:
:
:
:
:

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 12, 2011.

The petition is **GRANTED**.

The record shows that a Decision by the Board was mailed on June 11, 2011, which set a two (2) month shortened statutory period for reply. Accordingly, a reply was due on or before August 11, 2011. The application became abandoned on August 12, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a continuing application under 37 CFR 1.53(b); (2) the petition fee of \$1620; and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted.

Inquiries concerning this decision may be directed to the undersigned at (571) 272-6735.

This application is being referred to Technology Center AU 2832 for further action as the nature of the case may require.

/DCG/

Diane C. Goodwyn

Petitions Examiner

Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/239,623	01/08/2003	Etienne Honoré Schacht	920522-905419	1945
23644 7590 09/16/2010 BARNES & THORNBURG LLP P.O. BOX 2786 CHICAGO, IL 60690-2786			EXAMINER YOON, TAE H	
			ART UNIT 1714	PAPER NUMBER
			NOTIFICATION DATE 09/16/2010	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Patent-ch@btlaw.com



UNITED STATES PATENT and TRADEMARK OFFICE

Commissioner for Patents
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
Alexandria, VA 22313-1450
WWW.USPTO.GOV

Mailed:

9/16/10

In re U.S. Patent No. 6,933,328
Issued: August 23, 2005
Application Number: 10/239,623
Filed: September 23, 2002
For: COMPOSITION OF CROSSLINKABLE
PREPOLYMERS FOR BIODEGRADABLE
IMPLANTS

: **DECISION ON PETITION**
: **37 CFR 1.324**
:
:

This is a decision on the petition, filed on July 24, 2008, to correct inventorship in a patent under 37 CFR 1.324.

The petition is **GRANTED**.

The patented file is being forwarded to Certificate of Corrections Branch for Issuance of a certificate naming only the actual inventor or inventors.

David W. Wu
Supervisory Patent Examiner
Art Unit 1796
Technology Center 1700
Chemical and Materials Engineering

Barnes & Thornburg LLP
P.O. Box 2786
Chicago, Illinois 60690-2786



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UNITED STATES PATENT OFFICE

Patent No. **6,933,328**

Issued: August 23, 2005

On petition requesting issuance of a certificate for correction of inventorship pursuant to 35 USC § 256, it has been found that the above-identified patent, through error and without any deceptive intent, improperly sets forth the inventorship. Accordingly, it is hereby certified that the correct inventorship of this patent is:

Geert Jackers, Herzele, Belgium
Etienne Honore' Schacht, Staden, Belgium

David W. Wu
Supervisory Patent Examiner
Art Unit 1796



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LONDA, BRUCE S.
NORRIS MCLAUGHLIN & MARCUS, PA
875 THIRD AVE, 8TH FLOOR
NEW YORK NY 10022

MAILED

DEC 15 2010

In re Application of
Jeanette Libera, et al.
Application No. 10/239,701
Filed: January 21, 2003
Attorney Docket No. 101215-109

:
:
: OFFICE OF PETITIONS
: DECISION ON PETITION
:
:

This is a decision on the petition, filed October 14, 2010, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely pay the issue and publication fees on or before September 24, 2010, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed June 24, 2010.

Petitioner states that a timely reply was mailed via certificate of transmission on September 1, 2010, which included the following papers: Notice of Allowance and Issue Fee(s) Due Transmittal. Petitioner has submitted a copy of the previously mailed correspondence, which bears a certificate of transmission dated September 1, 2010, which would have rendered the reply timely if received.

The file record does not include the originally submitted papers. Failure to receive correspondence which includes a certificate of mailing or certificate of facsimile transmission is addressed in 37 CFR 1.8(b), reproduced below:

In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

- (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;
- (2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and
- (3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

The petition satisfies the above requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Notice of Allowance and Issue Fee(s) Due of June 24, 2010 is hereby withdrawn and the application restored to pending status.

The copy of the reply received with the petition will be accepted in place of the reply shown to have been transmitted by facsimile on September 1, 2010.

Telephone inquiries concerning this decision should be directed to April M. Wise at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Office of Data Management at their hotline 571-272-4100.

This application is being referred to the Office of Data Management for processing into a patent.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

MAILED

AUG 04 2010

In re Patent No. 6,991,823	:	OFFICE OF PETITIONS
Issue Date: 31 January, 2006	:	
Application No. 10/240,169	:	ON PETITION
Filed: 30 September, 2002	:	
Attorney Docket No. 047085-0102	:	

This is a decision on the request filed on 2 December, 2009, under 37 C.F.R. §3.81 wherein Petitioner seeks the have the Office accept the correction of the instant patent to reflect issuance in the name of the assignee, and considered under 37 C.F.R. §1.323 to correct Applicant/Petitioner's error in the issuance of the patent to the Assignee under 37 C.F.R. §1.183 (for waiver) and 37 C.F.R. §3.81—the Issue Fee transmittal was submitted with an error as to the assignee identification.

The petition is **GRANTED**.

Now on the fourth time that this matter has been before the Office Petitioner provided documentation (i.e., materials averred to be true copies of the assignments and/or other such documents) correcting what is averred to be the original error misidentifying an original assignee as Commonwealth Scientific & Industrial Research Organisation Centre, rather than as Commonwealth Scientific & Industrial Research Organisation.

BACKGROUND

The record indicates that the instant application was filed on 30 September, 2002; and issued as a patent on 31 January, 2006.

Petitioner averred that, on payment of the Issue Fee, he failed to indicate properly the assignee(s) for the issuance data. (For guidance herein, see: MPEP §307 and §§1480 - 1485. (See, in particular: MPEP §1481.01, and §1481.01A.) More particularly, Petitioner apparently

Patent No.: 6,991,823
Application No. 10/240,169

seeks to correct what is averred to have been an error in completing the Form PTOL 85B, and so to change the assignment:

- from Commonwealth Scientific & Industrial Research Organisation Centre,
- to Commonwealth Scientific & Industrial Research Organisation.

After several requests by the Office—dating back to 2008—as to the need for Petitioner to provide copies of the documents evidencing the error of the inclusion of the word “CENTRE” in the name of the Assignee Commonwealth Scientific and Industrial Research Organization in the Assignments Branch coversheet of the original assignment (from Williams and Augustin, recorded Reel/Frame 013553/0328, and received 11 December, 2002), Petitioner finally has submitted what he presents as a true copy of the document recorded at that location.

With this documentation evidencing that Williams and Augustin made their assignment to the Commonwealth Scientific & Industrial Research Organisation, the Office may proceed with the correction requested.

Again, for the record it is noted that the Williams and Augustin assignment was to Commonwealth Scientific & Industrial Research Organisation—and **not** to Commonwealth Scientific & Industrial Research Organisation Centre.

Thus, the transactions appear to have been:

- the original assignment (Reel/Frame 013553/0328, received 11 December, 2002) was from co-inventors Williams and Augustin to:
 - (a) Australian Food Industry Science Centre,
 - (b) Commonwealth Scientific & Industrial Research Organisation, and
 - (c) Dairy Research & Development Corp.; and
- thereafter, the next assignments were:
 - (Reel/Frame 016072/0770, received 14 April, 2005) was from Australian Food Industry Science Centre , to Commonwealth Scientific & Industrial Research Organisation; and

Patent No.: 6,991,823
Application No. 10/240,169

—(Reel/Frame 016074/0329, received 14 April, 2005) was from Australian Food Industry Science Centre, to Commonwealth Scientific & Industrial Research Organisation.

Thus, Petitioner sought to remove the word Centre from the patent as to the assignee (averred to have been mis-identified as) Commonwealth Scientific & Industrial Research Organisation Centre (emphasis supplied).

With the material provided by Petitioner with the renewed petition of 2 December, 2009, the apparent chain of title as of record in the Assignments Branch of the Office seems to include an assignment from coinventors Williams and Augustin to Commonwealth Scientific & Industrial Research Organisation Australian Food Industry Science Center (AFISC), then reassigned by AFISC to Commonwealth Scientific & Industrial Research Organisation.

Thus, the copy of the “Patent Assignment Abstract of Title” (submitted by Petitioner with the first three petitions and available online is incorrect, and one has to look to the actual documents of record for the correct information.

ANALYSIS

Congress has authorized the issuance of patents in the name(s) of the assignee(s):

35 U.S.C. §152 Issue of patent to assignee.

Patents may be granted to the assignee of the inventor of record in the Patent and Trademark Office, upon the application made and the specification sworn to by the inventor, except as otherwise provided in this title. (Emphasis supplied.)

and the regulations at 37 C.F.R. §3.81 that set forth the applicable procedure

§ 3.81 Issue of patent to assignee.

(b) *After payment of the issue fee:* An application may issue in the name(s) of the assignee(s) consistent with the application’s assignment where a request for such issuance along with the processing fee set forth in § 1.17(I) of this chapter is submitted after the date of payment of the issue fee, but prior to issuance of the patent, provided the assignment has been previously recorded in the Office. If the assignment has not been previously recorded,

Patent No.: 6,991,823
Application No. 10/240,169

the request should be accompanied by the assignment and either a direction to record the assignment in the Office pursuant to § 3.28, or a statement under § 3.73(b).

(c) *Partial assignees.*

(2) If multiple assignees hold the entire right, title, and interest to the exclusion of all the inventors, the patent may issue in the names of the multiple assignees. (Emphasis supplied.)

The commentary at MPEP §1481.01 provides that:

1481.01 Correction of Assignees' Names [R-3]

Any request for the issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee must:

- (A) state that the assignment was submitted for recordation as set forth in 37 C.F.R. §3.11 before issuance of the patent;
- (B) include a request for a certificate of correction under 37 C.F.R. §1.323 along with the fee set forth in 37 C.F.R. §1.20(a); and
- (C) include the processing fee set forth in 37 C.F.R. §1.17(i).
See 37 C.F.R. §3.81(b).

CONCLUSION

Certificates of Correction are limited as to the assignee(s) are limited to the record as of the date of issue.

As of the date of issue, although the Patent Assignment Abstract of Title incorrectly reflects identification of an assignee as Commonwealth Scientific & Industrial Research Organisation Centre, that is incorrect and the correct identification is Commonwealth Scientific & Industrial Research Organisation.

Petitioner requests issuance of a certificate of correction the identification of the Assignee(s) to
“COMMONWEALTH SCIENTIFIC & INDUSTRIAL RESEARCH ORGANISATION

Patent No.: 6,991,823
Application No. 10/240,169

(Campbell, Australian Capital Territory, Australia)” of the substance and in the form of that submitted.

Accordingly, the petition is **granted**.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 C.F.R. §3.81(b) and directing issuance of the requested Certificate of Correction.

Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2¹) regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner’s action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

¹ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110812

DATE : August 12, 2011

TO SPE OF : ART UNIT 2617

SUBJECT : Request for Certificate of Correction on Patent No.: 7,551,934

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - ST (South Tower) 9A22

Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments:

/DWAYNE BOST/
Supervisory Patent Examiner.Art Unit 2617



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89441
JONES DAY (RIM) - 2N
North Point
901 Lakeside Avenue
Cleveland, OH 44114

MAILED

MAR 23 2011

PCT LEGAL ADMINISTRATION

In re Patent No. 7,496,606 :
Application No.: 10/240,795 :
Int. Filing Date: April 10, 2001 :
Attorney Docket No.: 555255-012366 :
For: SYSTEM AND METHOD FOR :
SYNCHRONIZING DATA RECORDS :
BETWEEN MULTIPLE DATABASES :

DECISION

This is a decision on the petition under 37 CFR §§ 1.78(a)(3) filed January 6, 2011, to accept an unintentionally delayed claim under 35 U.S.C. §§120, and 365(c) for the benefit of the prior-filed application set forth in the concurrently filed Certificate of Correction.

The petition is hereby **DISMISSED** without prejudice.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional application is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application(s), unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

With regards to item (1), 37 CFR 1.78(a)(2)(i) requires that any nonprovisional application claiming the benefit of one or more prior-filed copending nonprovisional or international application designating the U.S. must contain or be amended to contain a reference to each such prior-filed application, identifying it by application number (consisting of the series code and serial number, or international application number and international filing date) and indicating the relationship of the applications. The relationship between the applications is whether the subject application is a

continuation, divisional, or continuation-in-part of a prior-filed nonprovisional application. An example of a proper benefit claim is: "This application is a continuation of Application No. 10/---, filed---." A benefit claim that merely states: "This application claims the benefit of Application No. 10/---, filed---," does not comply with 37 CFR 1.78(a)(2)(i) since the proper relationship, which includes the type of continuing application, is not stated. See MPEP Section 201.11, Rev. 5, August 2006, Reference to Prior Application(s).

In this case, the Certificate of Correction filed January 6, 2011 fails to state the relationship of the international application PCT/CA01/00488 filed April 10, 2001, to U.S. application no. 09/545.964 filed on April 10, 2000.

Furthermore, 35 U.S.C. 120 requires that the application (as opposed to the patent) contain or be amended to contain the necessary reference. Accordingly, applicants must also file an ADS or an amendment (complying with 37 CFR 1.121) stating the proper relationship of the prior U.S. application (now Patent No. 6,820,088) to the prior-filed international application. The Certificate of Correction alone is not sufficient in this regard.

Any further correspondence with respect to this matter may be filed electronically via the USPTO EFS-Web, by facsimile to the Office of PCT Legal Administration at (571) 273-04559, or if mailed addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Any questions concerning this matter may be directed to James Thomson at (571) 272-3302.



Bryan Lin
Legal Examiner
Office of PCT Legal Administration



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89441

JONES DAY (RIM) - 2N
North Point
901 Lakeside Avenue
Cleveland, OH 44114

MAILED

JUN 21 2011

PCT LEGAL ADMINISTRATION

In re Patent No. 7,496,606 :
Application No.: 10/240,795 :
Int. Filing Date: April 10, 2001 :
Attorney Docket No.: 555255-012366 :
For: SYSTEM AND METHOD FOR :
SYNCHRONIZING DATA RECORDS :
BETWEEN MULTIPLE DATABASES :

DECISION

This is a decision on the renewed petition under 37 CFR §§ 1.78(a)(3) filed April 5, 2011, to accept an unintentionally delayed claim under 35 U.S.C. §§120, and 365(c) for the benefit of the prior-filed application set forth in the concurrently filed Application Data Sheet (ADS) and Certificate of Correction.

The renewed petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). The petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

Items (2) and (3) were provided in the initial petition. Regarding item (1), applicants included an ADS recording that the application is a national stage of PCT/CA2001/000488, filed April 10, 2001, which is a continuation-in-part of U.S. application number 09/545,964, filed April 10, 2000. Applicants also included a new Certificate of Correction listing the proper relationship of the prior filed U.S. application (now Patent No. 6,820,088) to the prior-filed international application.

All items of 37 CFR 1.78(a)(3) are now complete.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed U.S. nonprovisional application (now Patent No. 6,820,088) accompanies this decision.

Any questions concerning this decision may be directed to James Thomson at (571) 272-3302.

This matter is being referred to the Certificate of Corrections Branch of the Office of Publications for appropriate action on the request for certificate of correction filed concurrently with this renewed petition.



Bryan Lin
Legal Examiner
Office of PCT Legal Administration

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6838614	2005-01-04	10/241,004	2002-09-10	068880/00001F

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|---------------------------------|-----|--------|
| <input type="radio"/> 3 ½ year | | (1551) |
| <input type="radio"/> 7 ½ year | | (1552) |
| <input type="radio"/> 11 ½ year | | (1553) |

Small Entity

- | | Fee | Code |
|---|-----|--------|
| <input checked="" type="radio"/> 3 ½ year | | (2551) |
| <input type="radio"/> 7 ½ year | | (2552) |
| <input type="radio"/> 11 ½ year | | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/michael t. smith/	Date (YYYY-MM-DD)	2010-11-08
Name	Michael T. Smith	Registration Number	47099
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Patent No. 6838614 :
Issue Date: January 4, 2005 :
Application No. 10241004 :DECISION GRANTING PETITION
Filed: September 10, 2002 :UNDER 37 CFR 1.378(c)
Attorney Docket No. 6452*8 :

This is a decision on the electronic petition, filed November 8, 2010, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of November 8, 2010. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.



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Paper No.

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

MAILED
SEP 16 2010
OFFICE OF PETITIONS

In re Patent No. 7,693,942 :
David S. Nale : DECISION ON REQUEST
Issue Date: 04/06/2010 : FOR RECONSIDERATION OF
Application No. 10/241008 : PATENT TERM ADJUSTMENT
Filed: 09/10/2002 : and
Attorney Docket No. : NOTICE OF INTENT TO ISSUE
084951-0103 : CERTIFICATE OF CORRECTION

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT FOR PATENT UNDER 37 C.F.R. §1.705(d)," filed on May 26, 2010. Patentees request that the Patent Term Adjustment for the above-identified patent be increased from 759 days to 833 days.

The request for reconsideration of the patent term adjustment indicated in the patent is **GRANTED**.

The patent term adjustment indicated in the patent is to be updated by issuance of a certificate of correction showing a revised Patent Term Adjustment of eight hundred thirty-three (833) days.

On April 6, 2010, the above-identified application matured into U.S. Patent No. 7,693,942. The instant request for reconsideration filed on May 26, 2010 was timely filed within 2 months of the date the patent issued. See § 1.705(d). The Patent issued with a revised Patent Term Adjustment of 759 days (1284 days of Office delay less 525 days of applicant delay).

Patentee contends that the reductions, of 120 days, on June 2, 2009, and of 42 days, on February 24, 2010, respectively, in patent term adjustment for the filing of drawings after the mailing of the notice, are incorrect and should be removed. Specifically, patentee asserts that no drawings, or other papers, were filed after the mailing of the notice of allowance.

Patentee's contention is persuasive. A review of the record reveals that on June 2, 2009, and on February 24, 2010, printer rush queries regarding the drawings sent by the Office of Data Management were answered by the Technology Center. However, amendments or other papers were neither requested by the Office nor filed by the applicant. Rather, the Office was able to issue the patent using the originally filed drawings. As no amendments or other papers were filed by the applicant after the mailing of the notice of allowance, a reduction for applicant delay under 37 CFR 1.704(c)(10) is not warranted. Accordingly, the 120 and 42 day reductions are incorrect will be removed.

Patentee states that an 88 day period of reduction for applicant delay is warranted pursuant to 37 CFR 1.704(c)(8), for the filing of a supplemental reply on April 21, 2009, 88 days after the filing of a reply on January 23, 2009.

Upon review, patentee is correct. On January 23, 2009, a reply was filed. On April 21, 2009, 88 days after the day after the date the reply was filed, a supplemental reply was filed. Accordingly, entry of a period of reduction of 88 days for applicant delay pursuant to 37 CFR 1.704(c)(8) is warranted.

In view thereof, the patent term adjustment indicated on the patent should be 833 days (1284 days of Office delay and 451 (525 - 120 - 42 + 88) days of applicant delay).

Patentee requests that the \$200.00 fee be refunded "because this PTA error is due to a Patent Office error." Pursuant to 37 CFR 1.705(b), an application for patent term adjustment must be accompanied by the fee set forth in § 1.18(e). As such, the fee is a prerequisite to consideration of the application for patent term adjustment. Furthermore, as there is no provision in 1.702-1.705 for refund of the fee "due to Patent Office error," the fee will not be refunded.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The Office thanks patentees for their good faith and candor in bringing this to the attention of the Office.

The application is being referred to the Certificate of Correction Branch for issuance of a certificate of correction to rectify this error. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by EIGHT HUNDRED THIRTY-THREE (833) days.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3231.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,693,942 B2

DATED : Apr. 6, 2010

DRAFT

INVENTOR(S) : Nale

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 759 days.

Delete the phrase "by 759 days" and insert – by 833 days--



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ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON VA 22209-3873

MAILED

FEB 04 2011

OFFICE OF PETITIONS

In re Patent No. 6,873,179	: DECISION GRANTING PETITION
Issue Date: March 29, 2005	: UNDER 37 CFR 1.78(a)(3) AND
Application No. 10/241,477	: REQUEST FOR CERTIFICATE OF
Filed: September 12, 2002	: CORRECTION
Attorney Docket No. 500.33011CC11	:

This is a decision on the petition, filed September 2, 2010, which is being treated as a petition under 37 CFR 1.78(a)(3), seeking to correct a claim for priority under 35 U.S.C. § 120 by way of a certificate of correction.

The petition is **granted**.

The instant application was filed September 12, 2002. Therefore, since this application was filed after November 29, 2000, a petition under 37 CFR 1.78(a)(3), along with submission of a Certificate of Correction, is the appropriate avenue of relief to accept a late claim for the benefit of priority to a prior-filed nonprovisional application after issuance of the application into a patent. See MPEP 1481.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

As the petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the above-noted prior-filed nonprovisional application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

A corrected Filing Receipt, which includes the priority claim to the above-noted, prior-filed nonprovisional application, accompanies this decision on petition.

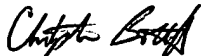
Petitioner is advised that the granting of this petition and the mailing of a corrected Filing Receipt should not be viewed as an indication that a determination has been made that this

application is entitled to claim benefit of the prior-filed applications. A determination that applicant is entitled to claim benefit of the prior-filed application will be made by the Examiner prior to the mailing of a certificate of correction.

The Office is in receipt of the \$1,410 surcharge as well as the \$100 certificate of correction fee.

Any inquiries concerning this decision may be directed to Kenya A. McLaughlin, Petitions Attorney, at (571) 272-3222.

This application is being referred to the Certificates of Correction Branch for processing the request for a certificate of correction in accordance with this decision on the petition under 37 CFR 1.78(a)(3).



Chris Bottorff
Supervisor
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
10/241,477	09/12/2002	2819	1982	500.33011CC11	26	3

CONFIRMATION NO. 3698

CORRECTED FILING RECEIPT



20457
ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209-3873

Date Mailed: 02/02/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Toshitsuqu Takekuma, Ebina-shi, JAPAN;
Ryoichi Kurihara, Hadano-shi, JAPAN;
Akira Yamagiwa, Hadano-shi, JAPAN;

Power of Attorney: The patent practitioners associated with Customer Number 020457

Domestic Priority data as claimed by applicant

This application is a CON of 10/194,310 07/15/2002 PAT 7,372,292
which is a CON of 09/891,322 06/27/2001 PAT 6,420,900
which is a CON of 09/716,251 11/21/2000 PAT 6,441,639
which is a CON of 09/084,017 05/26/1998 PAT 6,172,517
which is a CON of 08/773,753 12/24/1996 PAT 5,818,253
which is a CON of 08/596,724 02/05/1996 PAT 5,627,481
which is a CON of 08/269,352 06/30/1994 PAT 5,548,226

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

JAPAN 05-334631 12/28/1993

JAPAN 5-334631 12/28/1993

If Required, Foreign Filing License Granted: 10/10/2002

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/241,477**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
Title

SIGNAL TRANSMITTING DEVICE SUITED TO FAST SIGNAL TRANSMISSION

Preliminary Class

326

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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In re Patent No. 6942993 :
Issue Date: September 13, 2005 :
Application No. 10241564 :DECISION GRANTING PETITION
Filed: September 9, 2002 :UNDER 37 CFR 1.378(c)
Attorney Docket No. 39516-132 :

This is a decision on the electronic petition, filed September 12, 2011, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of September 12, 2011. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6,942,993	2005-09-13	10/241,564	2002-09-09	

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|---------------------------------|-----|--------|
| <input type="radio"/> 3 ½ year | | (1551) |
| <input type="radio"/> 7 ½ year | | (1552) |
| <input type="radio"/> 11 ½ year | | (1553) |

Small Entity

- | | Fee | Code |
|---|-----|--------|
| <input checked="" type="radio"/> 3 ½ year | | (2551) |
| <input type="radio"/> 7 ½ year | | (2552) |
| <input type="radio"/> 11 ½ year | | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☐ An attorney or agent registered to practice before the Patent and Trademark Office
- ☒ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

Sole Patentee			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature.			
Signature	/Xiaoqing Qiu/	Date (YYYY-MM-DD)	2011-09-12
Name	Xiaoqing Qiu		
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

Privacy Act Statement

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The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
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6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

TOWNSEND AND TOWNSEND AND CREW LLP /PULMONX 017534
TWO EMBARCADERO CENTER, EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

MAILED

MAY 23 2011

In re Application of	:	OFFICE OF PETITIONS
Kotmel et al.	:	DECISION ON PETITION
Application No. 10/241,733	:	TO WITHDRAW
Filed: September 10, 2002	:	FROM RECORD
Attorney Docket No. 017534-001710US	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 12, 2011.

The request is **NOT APPROVED**.

The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The current request cannot be approved at this time as it does not set forth the above mentioned certifications. Accordingly, any subsequent request to withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), must include all of the above listed certifications pursuant to 37 CFR 10.40.

All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

There are no outstanding Office actions that require a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059.

Alicia Kelley-Collier
Petitions Examiner
Office of Petitions

Enclosure: Form PTO/SB/83 Request for Withdrawal as Attorney or Agent and Change of Correspondence Address.



UNITED STATES PATENT AND TRADEMARK OFFICE

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**CASIMIR JONES, S.C.
2275 DEMING WAY, SUITE 310
MIDDLETON WI 53562**

MAILED

OCT 20 2011

OFFICE OF PETITIONS

In re Patent No. 7,108,975
Issued: September 19, 2006
Application No. 10/242,008
Filed: September 12, 2002
Attorney Docket No. UM-07172

:
:
:
:
:

ON PETITION

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed September 23, 2011.

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CASIMIR JONES, S.C.
2275 DEMING WAY, SUITE 310
MIDDLETON WI 53562

MAILED
OCT 21 2011
OFFICE OF PETITIONS

In re Patent No. 7,108,975	:	
Application No. 10/242,008	:	
Filed: September 12, 2002	:	ON PETITION
Issued: September 19, 2006	:	
Attorney Docket No. UM-07172	:	

This is a decision on the petition, filed October 5, 2011, which is being treated as a request under 37 CFR 3.81(b)¹ to correct the assignee on the issued patent.

The request is **DISMISSED**.

37 CFR 3.81(a) permits the patent to issue to the assignee, provided that, at the time the issue fee is paid the name and correct address of an assignee is provided. 37 CFR 3.81(b) permits the patent to issue in the name and correct address of an assignee if the assignment was submitted after payment of the issue fee *but prior to issuance of a patent*. Patent and Trademark Office assignment records disclose that the most current assignment recorded September 14, 2011, Reel 026905 and Frame 0258 states the assignee's name as "THE UNITED STATES GOVERNMENT AS REPRESENTED BY THE DEPARTMENT OF VETERANS AFFAIRS". Therefore, the assignment recorded on September 14, 2011, is after the date of issuance of this patent.

Accordingly, since the assignment was not submitted for recordation until after issuance of this patent, issuance of a certificate of correction would not be proper. See MPEP Section 307.

Additionally, the required \$130.00 surcharge fee will be charged to petitioner's deposit account as authorized October 5, 2011.

Inquiries concerning this decision should be directed to the undersigned at (571) 272- 7751.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions



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QUINN EMANUEL
KODA/ ANDROLIA
865 S. FIQUEROA STREET 10TH FLOOR
LOS ANGELES, CA 90017

MAILED

AUG 09 2011

OFFICE OF PETITIONS

In re Patent No. **6,694,709**
Issue Date: February 24, 2004
Application No. 10/242,078
Filed: September 12, 2002
Attorney Docket No. **90A 3323**

NOTICE UNDER 37 CFR 1.28(c)

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

There is no indication that the petition is signed by a registered patent attorney or patent agent of record. However, in accordance with 37 CFR 1.34, the signature of Mr. Dale Lischer appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts. If, Mr. Lischer desires to receive correspondence regarding this file, the appropriate power of attorney documents must be submitted. A courtesy copy of this decision is being mailed to Mr. Lischer, the petitioner herein. However, until otherwise instructed, all future correspondence regarding this application file will be directed solely to the above-noted correspondence address of record.

Inquiries related to this communication should be directed to the undersigned at (571) 272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **DALE LISCHER**
SMITH GAMBRELL & RUSSELL
1230 PEACHTREE STREET NE
ATLANTA, GA 30309-3592



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MR JAY CANTWELL
WATERJET TECH INC.
1803 BELTWAY DRIVE
ST. LOUIS MO 63114

MAILED
APR 03 2012
OFFICE OF PETITIONS

In re Patent No. 6,666,257 :
Issue Date: December 23, 2003 :
Application No. 10/242,565 : **ON PETITION**
Filed: September 13, 2002 :
Attorney Docket No. 004212.00006 :

This is a decision on the petition under 37 CFR 1.378(c), filed February 6, 2012, to accept the delayed payment of a maintenance fee for the above-identified patent.

The petition is **DISMISSED**.

Any petition for reconsideration of this decision must be accompanied by the petition fee of \$400 as set forth in 37 CFR 1.17(f). The petition for reconsideration must include the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A petition to accept the unintentionally delayed payment of a maintenance fee under 35 U.S.C. 41(c) and 37 CFR 1.378(c) must be accompanied by: (1) a statement that the delay was unintentional; (2) payment of the appropriate maintenance fee, unless previously submitted; and (3) payment of the surcharge set forth in 37 CFR 1.20(i)(2). This petition lacks item (3) above.

With respect to item (3): A review of the Office record shows that the maintenance fee submitted with the petition filed February 6, 2012, is insufficient in that the fee paid was \$1240 for the seven and one half year maintenance fee and the current fee is \$1425. An additional balance of \$185 for the maintenance fee and a fee of \$400, as indicated above, should be submitted with any future request for reconsideration. Absent the proper fee, the petition filed February 6, 2012, cannot be considered as meeting the requirements as set forth in 37 CFR 1.378(c). No consideration can be given until the required fee deficiency is remitted.

If reconsideration of this decision is desired, a petition for reconsideration under 37 CFR 1.378(e) must be filed within **TWO (2) MONTHS** from the mail date of this decision. No extension of this two-month time limit can be granted under 37 CFR 1.136(a) or (b). This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries should be directed to the undersigned at (571) 272-6735.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/242,999	09/13/2002	Edward H. Cully	MP/166	3597
28596 7590 02/11/2011 GORE ENTERPRISE HOLDINGS, INC. 551 PAPER MILL ROAD P. O. BOX 9206 NEWARK, DE 19714-9206			EXAMINER HOUSTON, ELIZABETH	
			ART UNIT 3731	PAPER NUMBER
			MAIL DATE 02/11/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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GORE ENTERPRISE HOLDINGS, INC.
551 PAPER MILL ROAD
P. O. BOX 9206
NEWARK DE 19714-9206

In re Application of:
CULLY, EDWARD H. et al
Serial No.: 10/242,999
Filed: Sep. 13, 2002
Docket: MP/166
Title: STENT DEVICE WITH MULTIPLE
HELIX CONSTRUCTION

DECISION ON PETITION

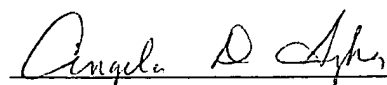
This is a decision on the petition filed on Sep. 22, 2003 seeking entry of the replacement drawing filed on September 22, 2003. This petition is being considered pursuant to 37 CFR §1.181.

The petition is **Granted**.

The replacement drawing filed on September 22, 2003 has been treated as a preliminary amendment and therefore is accepted for entry. However, the original drawing filed on September 13, 2002 was objected by the examiner in the non-final Office action of May 3, 2005. In response, the applicant filed a replacement drawing on October 11, 2005 which was accepted by the examiner in the non-final Office action of March 22, 2006.

The application is being forwarded to the examiner via the Supervisory Patent Examiner of Art Unit 3731 for awaiting the applicant's appeal brief. Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner, at (571) 272-4856.

Petition granted.



Angela D. Sykes, Director
Technology Center 3700



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ARNOLD & PORTER LLP
1801 PAGE MILL ROAD, SUITE 110
PALO ALTO, CA 94304

In re Patent No. 7,452,975
Issue Date: November 18, 2008
Appl. No: 10/243,167
Filed: September 12, 2002
For: Correction of Inventorship

This is a decision on the petition filed March 27, 2009, to correct inventorship under 37 CFR 1.324.

The petition is **GRANTED**.

The patented filed is being forwarded to Certificate of Corrections Branch for issuance of a certificate naming only the actual inventor or inventors.

/Heather Calamita/

Heather Calamita
Supervisory Patent Examiner Art Unit 1635
Technology Center 1600



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WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI,
L.L.P.
20333 SH 249 6th Floor
HOUSTON TX 77070

MAILED

MAR 13 2012

OFFICE OF PETITIONS

In re Application of :
Nikolaos Bernitsas :
Application No. 10/243,175 :
Filed: September 13, 2002 :
Attorney Docket No. **125-0003US** :

NOTICE

This is a notice regarding your request filed March 5, 2012 , for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

There is no indication that the petition is signed by a registered patent attorney or patent agent of record. However, in accordance with 37 CFR 1.34, the signature of Kendal M. Sheets appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts. If, Kendal M. Sheets desires to receive correspondence regarding this file, the appropriate power of attorney documents must be submitted. A courtesy copy of this decision is being mailed to Kendal M. Sheets, the petitioner herein. However, until otherwise instructed, all future correspondence regarding this application file will be directed solely to the above-noted correspondence address of record.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Kendal M. Sheets
CPA Global
2318 Mill Road, Suite 12 Floor
Alexandria, VA 22314



UNITED STATES PATENT AND TRADEMARK OFFICE

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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

MAILED

OCT 13 2010

OFFICE OF PETITIONS

In re Patent No. 7,328,000
Issued: February 5, 2008
Application No. 10/243,334
Filed: September 13, 2002
Attorney Docket No. 088245-3116

: DECISION ON REQUEST
: FOR RECONSIDERATION
: OF PATENT TERM ADJUSTMENT
: AND
: NOTICE OF INTENT TO ISSUE
: CERTIFICATE OF CORRECTION

This is a decision on the REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b) filed on April 2, 2008, requesting that the patent term adjustment indicated on the above-identified patent be corrected from 1025 days to 1159 days. Since the request is after issuance, the request is being treated under 37 CFR 1.705(d). Applicant requests this correction in part on the basis that the Office will take in excess of three years to issue this patent and is being considered in light of the Court of Appeals for the Federal Circuit's decision in *Wyeth v. Kappos*, 2009-1120 (Fed. Cir. 1-7-2010).

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by one thousand four hundred twenty-five (1425) days is **GRANTED to the extent indicated herein.**

Patentees argue that the Office erred in determining the final patent term adjustment for two reasons: (1) the first Office Action was not mailed until December 12, 2006, not July 21, 2006, thus an additional period of adjustment in the amount of 200 days should be entered for a total of 1181 days under 37 C.F.R. § 1.703(a), and (2) the Office improperly calculated the period of reduction under 37 CFR 1.704(c)(10) for the filing of amendment under 37 C.F.R. § 1.312 filed April 25, 2007, that the reduction should be 123 days instead of 120 days.

Applicant's arguments have been considered, but not found persuasive. A non-Final Office Action was mailed on July 21, 2006, thereafter, a second non-Final Office Action was mailed December 12, 2006, which vacated the first Office Action. The mailing of a second Office action withdrawing the first action does not negate the fact that the Office took action in this application within the meaning of § 1.702(a)(1) on July 21, 2006.

Accordingly, entry of an additional period of adjustment of 200 days for Office delay in mailing a further notification is not warranted.

With respect to the 37 CFR § 1.704(c)(10) submission of an amendment under 37 C.F.R. § 1.312 filed April 25, 2007, which was responded to on December 13, 2007, the calculation of 120 days is correct as indicated.

37 CFR § 1.704(c)(10) provides that:

Submission of an amendment under § 1.312 or other paper after a notice of allowance has been given or mailed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the lesser of:

(i) The number of days, if any, beginning on the date the amendment under § 1.312 or other paper was filed and ending on the mailing date of the Office action or notice in response to the amendment under § 1.312 or such other paper;

or

(ii) Four months;

As stated in MPEP 2732:

37 CFR 1.704(c)(10) establishes submission of an amendment under 37 CFR 1.312 or other paper after a notice of allowance has been given or mailed as a circumstance that constitutes a failure of an applicant to engage in reasonable efforts to conclude processing or examination of an application. The submission of amendments (or other papers) after an application is allowed may cause substantial interference with the patent issue process.

Certain papers filed after allowance are not considered to be a failure to engage in reasonable efforts to conclude processing or examination of an application. See *Clarification of 37 CFR 1.704(c)(10) – Reduction of Patent Term Adjustment for Certain Types of Papers Filed After a Notice of Allowance has been Mailed*, 1247 Off. Gaz. Pat. Office 111 (June 26, 2001). The submission of the following papers after a "Notice of Allowance" is not considered a failure to engage in reasonable efforts to conclude processing or examination of an application: (1) Fee(s) Transmittal (PTOL-85B); (2) Power of Attorney; (3) Power to Inspect; (4) Change of Address; (5) Change of Status (small/not small entity status); (6) a response to the examiner's reasons for allowance or a request to correct an error or omission in the "Notice of Allowance" or "Notice of Allowability," and (7) letters related to government interests (e.g., those between NASA and the Office). Papers that will be considered a failure to engage in reasonable efforts to conclude processing or examination of an application include: (1) a request for a refund; (2) a status letter; (3) amendments under 37 CFR 1.312; (4) late priority

claims; (5) a certified copy of a priority document; (6) drawings; (7) letters related to biologic deposits; and (8) oaths or declarations.

As the actual period from April 25, 2007 to December 13, 2007 is more than four months, the period of adjustment set forth in § 1.703 shall be reduced by the lesser of four months, pursuant to 37 C.F.R. § 1.704(c)(10)(ii) and is therefore 120 days.

As such, the patent term adjustment is 1425 days (1145 "A delay" days plus 875 "B delay" days minus 475 overlap minus 120 Applicant delay days), not 1159 days.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **one thousand four hundred twenty-five (1425) days**.

Telephone inquiries specific to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.



Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

DRAFT
UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,328,000 B2
DATED : February 5, 2008
INVENTOR(S) : Ari Juntunen

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (1025) days

Delete the phrase "by 1025 days" and insert – by 1425 days--



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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In re Patent No. 7181419 :
Issue Date: February 20, 2007 :
Application No. 10243456 :DECISION GRANTING PETITION
Filed: September 13, 2002 :UNDER 37 CFR 1.378(c)
Attorney Docket No. GEDP109USA :

This is a decision on the electronic petition, filed April 29, 2011, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of April 29, 2011. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
7,181,419	2007-02-20	10243456	2002-09-13	PA5627US

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|---------------------------------|-----|--------|
| <input type="radio"/> 3 ½ year | | (1551) |
| <input type="radio"/> 7 ½ year | | (1552) |
| <input type="radio"/> 11 ½ year | | (1553) |

Small Entity

- | | Fee | Code |
|---|-----|--------|
| <input checked="" type="radio"/> 3 ½ year | | (2551) |
| <input type="radio"/> 7 ½ year | | (2552) |
| <input type="radio"/> 11 ½ year | | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/laurierose lubiano/	Date (YYYY-MM-DD)	2011-04-29
Name	Laurie Rose Lubiano	Registration Number	67784
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 28-11

Paper No.: _____

TO SPE OF : ART UNIT 36257181419SUBJECT : Request for Certificate of Correction for Appl. No.: 10/243,456 Patent No.: 7181419CofC mailroom date: 1-31-11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES: Check Claims

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square - 9D10-A
Palm Location 7580

Ernis Young
Certificates of Correction Branch
703-756-1814

Thank You For Your Assistance**The request for issuing the above-identified correction(s) is hereby:**

Note your decision on the appropriate box.

☐ **Approved**

All changes apply.

☐ **Approved in Part**Specify below which changes **do not** apply.☒ **Denied**

State the reasons for denial below.

Comments: The proposed ^{correction} ~~change~~ changes (broadens) the
scope of claim 10.

* Note that correct reference should be to Pat. No. 7,181,419
for this case.

Jeffrey A. Smith
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

SPE

3625
Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : December 7, 2010

TO SPE OF : ART UNIT 2626

SUBJECT : Request for Certificate of Correction for Appl. No.: 10244086 Patent No.: 7574352

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D40-C
Palm Location 7580

Certificates of Correction Branch
703-756-1573

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

 **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ Denied

State the reasons for denial below.

Comments: _____

=====

[illegible]

/James S. Wozniak/

2626

SPE

Art Unit



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Charles C. McCloskey
13321 N. Outer 40 Rd. Ste. 100
Town & Country, MO 63017

MAILED

JUL 11 2011

PCT LEGAL ADMINISTRATION

In re Application of :
HERNBLAD, Konrad :
Application No.: 10/244,092 :
Filing Date: September 16, 2002 :
Attorney Docket No.: 61 :
For: CUSTOMER-BASED WIRELESS :
ORDERING AND PAYMENT SYSTEM :
FOR FOOD SERVICE :
ESTABLISHMENTS USING TERMINALS :
AND MOBILE DEVICES :

DECISION ON PETITION

This decision is in response to applicants' "Petition to Accept an Unintentionally Delayed Claim to Priority under 35 USC 119(e) for the Benefit of a Prior Filed Provisional Application Pursuant to 37 CFR 1.78(a)(4)-(a)(6) filed May 13, 2011 requesting acceptance of an unintentionally delayed claim for priority under 35 U.S.C. 365(c) to provisional application 60/354, 884. Because the amendment also adds a priority claim to a prior filed international application, PCT/US03/02064, the petition is being treated as a petition under 37 CFR 1.78(a)(3) to accept an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of the prior-filed international application.

The petitions are **DISMISSED**.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional applications is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application(s), unless previously submitted;

- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The petition does not comply with item (1) above for the following reasons:

The amendment fails to state the relationship of International Application No. PCT/US03/02064 filed January 23, 2003, to the instant application. (See 37 CFR 1.78(a)(2)(i)) The relationship between the applications is whether the subject application is a continuation, divisional, or continuation-in-part of a prior-filed nonprovisional application. An example of a proper benefit claim is: "This application is a continuation of International Application No. ---, filed---." A benefit claim that merely states: "This application claims the benefit of International Application No. ---, filed---," does not comply with 37 CFR 1.72(a)(2)(i) since the proper relationship, which includes the type of continuing application, is not stated. See MPEP Section 201.11, Reference to Prior Application. Moreover, since PCT/US03/02064 was filed later than the present application, the present application cannot claim the benefit of PCT/US03/02064 under 35 U.S.C. 120.

As to item (3), applicant's statement that "the entire delay in filing the required reply from the due date for the required replay until the filing of a grantable petition under 37 CFR 1.78(a)(4)-(6) was unintentional" is construed as meaning that "the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional." If this is incorrect, petitioner must immediately notify the Office of PCT Legal Administration. As construed, petitioner's statement satisfied item (3) above.

Before the petition under 37 CFR § 1.78(a)(3) and (a)(6) can be granted, a renewed petition and either an Application Data Sheet (37 CFR 1.76(a)(5)) or a proper amendment (complying with the provisions of 37 CFR 1.121) to correct the above matters are required. Applicant is advised that an ADS or amendment will not be entered except as provided under 37 CFR 41.33.

Any questions concerning this matter may be directed to Anthony Smith at (571) 272-3298.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Bryan Lin
Legal Examiner
PCT Legal Administration



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Charles C. McCloskey
13321 N. Outer 40 Rd. Ste. 100
Town & Country, MO 63017

MAILED

NOV 14 2011

PCT LEGAL ADMINISTRATION

In re Application of :
HERNBLAD, Konrad :
Application No.: 10/244,092 :
Filing Date: September 16, 2002 :
Attorney Docket No.: 61 :
For: CUSTOMER-BASED WIRELESS :
ORDERING AND PAYMENT SYSTEM :
FOR FOOD SERVICE :
ESTABLISHMENTS USING TERMINALS :
AND MOBILE DEVICES :

DECISION ON PETITION

This decision is in response to applicants' "Renewed Petition under 37 CFR 1.137(b)" dated July 21, 2011, treated herein as Petition to Accept an Unintentionally Delayed Claim to Priority under 35 USC 119(e) for the Benefit of a Prior Filed Provisional Application Pursuant to 37 CFR 1.78(a)(6) set forth in the Application Data Sheet (ADS) filed concurrently with the instant petition.

The petition is **GRANTED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

- (1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The instant pending nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed provisional applications are submitted after expiration of the period specified in 37 CFR 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(6).

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(6) in that (1) a reference to the prior-filed nonprovisional applications has been included in an application data sheet, as provided by 37 CFR 1.78(a)(5)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) applicant's previous statement that "the entire delay in filing the required reply from the due date for the required replay until the filing of a grantable petition under 37 CFR 1.78(a)(4)-(6) was unintentional" is construed as meaning that "the entire delay between the date the claim was due under 37 CFR §1.78(a)(5)(ii) and the date the claim was filed was unintentional." If this is incorrect, petitioner must immediately notify the Office of PCT Legal Administration. As construed, petitioner's statement satisfied item (3) above.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(6) should not be construed as meaning that the instant application is entitled to the benefit of the filing date of the prior-filed application. In order for the instant application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Anthony Smith, Attorney Advisor, at (571) 272-3298. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.



Bryan Lin
Legal Examiner
PCT Legal Administration



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STEPTOE & JOHNSON LLP
1330 CONNECTICUT AVENUE, N.W.
WASHINGTON DC 20036

MAILED

FEB 28 2011

OFFICE OF PETITIONS

NOTICE

In re Patent No. 7,190,870 :
Issue Date: March 13, 2007 :
Application No. 10/244,545 :
Filed: September 17, 2002 :
Attorney Docket No. 01997-300001 / :
10/244,545 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed January 11, 2011. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc.** 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby accepted. The petition is **GRANTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

This file is being forwarded to Files Repository.

Telephone inquiries related to this decision should be directed to the Kimberly Inabinet at (571) 272-4618.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

cc: Daniel O'Brien
Massachusetts Institute of Technology
Technology Licensing Office
Five Cambridge Center, Kendall Square
Cambridge, MA 02142-1493



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WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

MAILED

AUG 16 2010

In re Application of :
Ulrich Waibel : **OFFICE OF PETITIONS**
Application No. 10/244,761 :
Filed: September 16, 2002 : **DECISION ON PETITION**
Attorney Docket No. N0484.70050US00 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 9, 2010, to revive the above-identified application.

The petition is **GRANTED**.

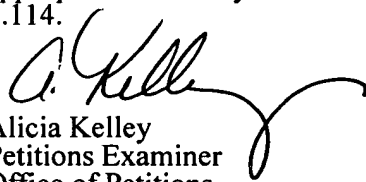
This application became abandoned as a result of petitioner's failure to take appropriate action in a timely manner after the decision of July 9, 2008, by the Board of Patent Appeals and Interferences. Therefore, the proceedings as to the rejected claims were terminated. *See* 37 CFR 1.197(b). As no claim was allowed, the application became abandoned on September 10, 2008. *See* MPEP 1213.02.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE), including the fee of \$810 and the submission required by 37 CFR 1.114, (2) the petition fee of \$1,620 and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059.

This application is being referred to Technology Center AU 3627 for processing of the RCE and for appropriate action by the Examiner in the normal course of business in accordance with 37 CFR 1.114.


Alicia Kelley
Petitions Examiner
Office of Petitions



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McANDREWS, HELD & MALLOY, LTD.
34th Floor
500 W. Madison Street
Chicago IL 60661

MAILED

JAN 10 2011

OFFICE OF PETITIONS

In re Application of
Zhang.
Application No. 10/244,878
Filed: September 17, 2002
Attorney Dkt. No. 1376US01

DECISION ON PETITION

This is a decision on the petition filed under 37 CFR 1.137(b) in the above-identified application filed on December 21, 2010.

The petition to revive the application is **GRANTED**.

This application became abandoned for failure to timely submit a complete timely reply to the Notice of Non Complaint Amendment mailed on August 14, 2008. The Notice set an extendable one-month reply period of September 14, 2008. A non compliant response in the form of an improper terminal disclaimer was filed on August 21, 2008. Accordingly, this application became abandoned on September 15, 2008. This decision precedes the mailing of a Notice of Abandonment.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a proper terminal disclaimer (2) the petition fee of \$810.00, and (3) a statement of unintentional delay.

This decision closes the gap in prosecution.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions



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LTD.
34th Floor
500 W. Madison Street
Chicago IL 60661

MAILED
MAR 08 2011
OFFICE OF PETITIONS

In re Application of	:	
Zhang	:	ON APPLICATION FOR
Application No. 10/244,878	:	PATENT TERM ADJUSTMENT
Filed: September 17, 2002	:	
Attorney Dkt. No. 13763US01	:	
For: TREATMENT SOLUTION AND	:	
METHOD FOR PREVENTING POSTERIOR	:	
CAPSULAR OPACIFICATION BY	:	
SELECTIVELY INDUCING DETACHMENT	:	
AND/OR DEATH OF LENS EPITHELIAL	:	
CELLS	:	

This is in response to the "APPLICATION REQUESTING RECONSIDERATION OF THE PATENT TERM ADJUSTMENT DETERMINATION UNDER 37 CFR 1.705" filed April 21, 2010. This petition is properly treated under 37 CFR 1.705(b). Applicant requests that the determination of patent term adjustment be corrected from zero (0) days to one thousand two hundred eleven (1,211) days.

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the

actual date of issuance of the patent has been determined. As such, the Office cannot make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicant is advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee¹.

To the extent that applicant otherwise requests reconsideration of the patent term adjustment at the time of the mailing of the notice of allowance, the application for patent term adjustment is **DISMISSED** to the extent indicated herein.

¹ For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

On January 25, 2010, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 0 days. The instant application for patent term adjustment was timely filed on April 21, 2010.

Applicant disputes the 344 day reduction for the submission of a supplemental response. Applicant contends that the submission of the terminal disclaimer signed by attorney Michael J. Krautner submitted on August 21, 2008 was formal and responsive. Applicant argues that Attorney Krautner was a proper attorney of record. Applicant further states the fact that the Office accepted a response to the Office action signed by Attorney Krautner on December 13, 2007 establishes attorney Krautner was properly recognized by the Office.

Applicant's argument has been considered but deemed to be unpersuasive. A review of the record shows that a declaration and power of attorney filed on October 28, 2002 did not list attorney Krautner. The record further shows that a power of attorney which includes attorney Krautner or references customer number 23,466 was not provided prior to the April 21, 2009. As such Office records established that power of attorney was not authorized for attorney Krautner, thus attorney Krautner was acting in representative capacity pursuant to 37 CFR 1.34. A person acting in a representative capacity may not sign a terminal disclaimer (37 CFR 1.321(b)(1)(iv)). See MPEP 402. Thus, the submission of the terminal disclaimer filed by attorney Krautner on August 21, 2008 was not a proper response. A properly signed terminal disclaimer was not provided until April 21, 2009.

It should be very carefully noted that neither the primary examiner nor the Director of the USPTO has authority to extend the shortened statutory period unless a petition for the extension is filed. While the shortened period may be extended within the limits of the statutory 6 months period, no extension can operate to extend the time beyond the 6 months. Further, abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See *Lorenz v. Finkl*, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); *Krahn v. Commissioner*, 15 USPQ2d 1823, 1824 (E.D. Va 1990); In

re Application of Fischer, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988).

In light of the failure to submit a timely complete response to the Notice of Non Compliant Amendment of August 14, 2008, the application was abandoned on September 15, 2008. A review of the application history shows a reduction of 848 days, is warranted for the abandonment of the application pursuant to 37 CFR § 1.704(c)(3)(i).

37 CFR 1.704(c) provides that:

Circumstances that constitute a failure of the applicant to engage in reasonable efforts to conclude processing or examination of an application also include the following circumstances, which will result in the following reduction of the period of adjustment set forth in § 1.703 to the extent that the periods are not overlapping:

(3) Abandonment of the application or late payment of the issue fee, in which case the period of adjustment set forth in §1.703 shall be reduced by the number of days, if any, beginning on the date of abandonment or the date after the date the issue fee was due and ending on the earlier of:

- (i) The date of mailing of the decision reviving the application or accepting late payment of the issue fee; or
- (ii) The date that is four months after the date the grantable petition to revive the application or accept late payment of the issue fee was filed.

In this instance the application was held abandoned for the failure to submit a reply to the Notice of Non-Compliant Amendment of August 14, 2008. A grantable petition under 37 CFR 1.137(b) was filed on December 21, 2010 and granted on January 10, 2011.

In accordance with 37 CFR 1.704(c)(3), the adjustment is properly reduced by 848 days. The period of reduction commenced September 15, 2008; the date of abandonment, and ended January 10, 2011, the date of mailing of the decision reviving the application. See, 37 CFR 1.704(c)(3)(i).

It is however noted that the delay based upon the abandonment of the application overlaps with the 108, 344 and 102 days of delay. Thus the total delay attributed to applicants is 848 days.

At the time of mailing of the Notice of Allowance, applicants' delay total is 848 days and Office delay totals 515 days.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and **must** include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3215.

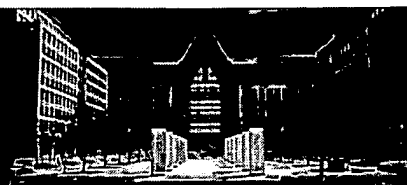


Charlema Grant
Attorney
Office of Petitions

Enclosure: Copy of REVISED PALM Screen



Patent Term Adjustments



PTA/PTE Information Patent Term Adjustment Patent Term Extension

Application Number*: 10244878

Search

Explanation of PTA Calculation

Explanation of PTE Calculation

PTA Calculations for Application: 10244878

Application Filing Date	09/17/2002	OverLapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays	515
A Delays	515	PTO Manual Adjustment	294
B Delays	0	Applicant Delay (APPL)	554
C Delays	0	Total PTA (days)	0

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
128	03/07/2011		P028	Adjustment of PTA Calculation by PTO		848	0
127	03/07/2011		P028	Adjustment of PTA Calculation by PTO	102		0
126	03/07/2011		P028	Adjustment of PTA Calculation by PTO	344		0
125	03/07/2011		P028	Adjustment of PTA Calculation by PTO	108		0
111	01/25/2010		MN/=	Mail Notice of Allowance			0
110	01/19/2010		DVER	Document Verification			0
109	01/19/2010		IREV	Issue Revision Completed			0
108	01/19/2010		N/=	Notice of Allowance Data Verification Completed			0
107	01/19/2010		CNTA	Allowability Notice			0
103	11/17/2009		FWDX	Date Forwarded to Examiner			0
102	11/10/2009	07/31/2009	A...	Response after Non-Final Action		102	98
101	11/10/2009		XT/G	Request for Extension of Time - Granted			0
100	11/05/2009		NINA	Mail Notice of Informal or Non-Responsive Amendment			0
99	09/16/2009		FWDX	Date Forwarded to Examiner			0
98.1	07/31/2009		A.I.	Informal or Non-Responsive Amendment after Examiner Action			0
98	07/31/2009	08/21/2008	A...	Response after Non-Final Action		344	93
97	07/10/2009		NINA	Mail Notice of Informal or Non-Responsive Amendment			0
96	05/11/2009		FWDX	Date Forwarded to Examiner			0
94	05/11/2009		FWDX	Date Forwarded to Examiner			0
95	04/21/2009		SA..	Supplemental Response			0
92	04/21/2009		P574	Paralegal TD Accepted			0
91	04/21/2009		P574	Paralegal TD Accepted			0
90	04/21/2009		DIST	Terminal Disclaimer Filed			0
89	04/21/2009		DIST	Terminal Disclaimer Filed			0
88	04/17/2009		MEXIN	Mail Examiner Interview Summary (PTOL - 413)			0
87	04/15/2009		EXIN	Examiner Interview Summary Record (PTOL - 413)			0
86	09/06/2008		P575	Paralegal TD Not accepted			0
85	09/06/2008		P575	Paralegal TD Not accepted			0
93.1	08/21/2008		A.I.	Informal or Non-Responsive Amendment after Examiner Action			0
93	08/21/2008	05/05/2008	A...	Response after Non-Final Action		108	80
84	08/21/2008		DIST	Terminal Disclaimer Filed			0
83	08/21/2008		DIST	Terminal Disclaimer Filed			0
82	08/14/2008		NINA	Mail Notice of Informal or Non-Responsive Amendment			0
81	06/13/2008		FWDX	Date Forwarded to Examiner			0
80.1	05/05/2008		A.I.	Informal or Non-Responsive Amendment after Examiner Action			0
80	05/05/2008		A...	Response after Non-Final Action			0
79	03/03/2008		MCTNF	Mail Non-Final Rejection			0
78	02/25/2008		CTNF	Non-Final Rejection			0
77	12/21/2007		FWDX	Date Forwarded to Examiner			0
76	12/13/2007		A...	Response after Non-Final Action			0
75	12/06/2007		MEXIN	Mail Examiner Interview Summary (PTOL - 413)			0
74	12/04/2007		EXIN	Examiner Interview Summary Record (PTOL - 413)			0
73	09/14/2007		MCTNF	Mail Non-Final Rejection			0
72	09/12/2007		CTNF	Non-Final Rejection			0
71	07/02/2007		FWDX	Date Forwarded to Examiner			0
70	06/28/2007		A...	Response after Non-Final Action			0
69	04/24/2007		MCTNF	Mail Non-Final Rejection			0
68	04/14/2007		CTNF	Non-Final Rejection			0
64	03/07/2007		FWDX	Date Forwarded to Examiner			0
62	03/07/2007		ABN9	Disposal for a RCE / CPA / R129			0
55	01/16/2007		PTAC	Patent Issue Date Used in PTA Calculation			0
61	01/12/2007		MP015	Mail-Record Petition Decision of Granted to Withdraw from Issue - with assigned Patent NO.			0
60	01/12/2007		WFIS	Withdrawal Patent Case from Issue			0
59	01/11/2007		WFIS	Withdrawal Patent Case from Issue			0
67	01/10/2007		IDSC	Information Disclosure Statement considered			0

66	01/10/2007	RCAP	Reference capture on IDS	0
65.7	01/10/2007	M844	Information Disclosure Statement (IDS) Filed	0
65	01/10/2007	WIDS	Information Disclosure Statement (IDS) Filed	0
63	01/10/2007	RCEX	Request for Continued Examination (RCE)	0
58	01/10/2007	BRCE	Workflow - Request for RCE - Begin	0
57	01/10/2007	PET.	Petition Entered	0
56	12/27/2006	WP1R	Issue Notification Mailed	0
54	12/11/2006	EFDC	Export to Final Data Capture	0
52	12/08/2006	D1935	Dispatch to FDC	0
51	12/08/2006	PILS	Application Is Considered Ready for Issue	0
53	12/07/2006	FIDC	Finished Initial Data Capture	0
49	12/04/2006	N084	Issue Fee Payment Verified	0
48	12/04/2006	IFEE	Issue Fee Payment Received	0
47	10/10/2006	EIDC	Export to Initial Data Capture	0
50	10/04/2006	X/DR	Correction - Drawing NOT Required	0
46	10/04/2006	MN/ =.	Mail Notice of Allowance	0
45	10/04/2006	MN/DR	Mail Formal Drawings Required	0
44	10/04/2006	MEX.A	Mail Examiner's Amendment	0
43	10/02/2006	IREV	Issue Revision Completed	0
42	10/02/2006	N/DR	Formal Drawings Required	0
41	10/02/2006	N/ =.	Notice of Allowance Data Verification Completed	0
40	10/02/2006	DOCK	Case Docketed to Examiner in GAU	0
39	10/02/2006	EX.A	Examiner's Amendment Communication	0
38	10/02/2006	CNTA	Allowability Notice	0
37	08/11/2006	FWDX	Date Forwarded to Examiner	0
36	08/08/2006	A...	Response after Non-Final Action	0
35	08/03/2006	MEXIN	Mail Examiner Interview Summary (PTOL - 413)	0
34	08/03/2006	EXIN	Examiner Interview Summary Record (PTOL - 413)	0
33	07/27/2006	MCTNF	Mail Non-Final Rejection	0
32	07/24/2006	CTNF	Non-Final Rejection	0
31	05/10/2006	FWDX	Date Forwarded to Examiner	0
30	05/08/2006	A...	Response after Non-Final Action	0
29	03/06/2006	MCTNF	Mail Non-Final Rejection	0
28	03/03/2006	CTNF	Non-Final Rejection	0
25	01/03/2006	FWDX	Date Forwarded to Examiner	0
24	12/05/2005	A...	Response after Non-Final Action	0
23	09/08/2005	MCTNF	Mail Non-Final Rejection	0
22	09/06/2005	CTNF	Non-Final Rejection	0
20	06/07/2005	FWDX	Date Forwarded to Examiner	0
19	05/18/2005	ELC.	Response to Election / Restriction Filed	0
16	04/15/2005	11/17/2003 MCTRS	Mail Restriction Requirement	-1
15	04/14/2005	CTRS	Restriction/Election Requirement	0
17	04/13/2005	LET.	Miscellaneous Incoming Letter	0
14	02/20/2004	TSSCOMP	IFW TSS Processing by Tech Center Complete	0
27	02/09/2004	IDSC	Information Disclosure Statement considered	0
21	02/09/2004	RCAP	Reference capture on IDS	0
18.7	02/09/2004	M844	Information Disclosure Statement (IDS) Filed	0
18	02/09/2004	WIDS	Information Disclosure Statement (IDS) Filed	0
13	10/28/2003	TSSCOMP	IFW TSS Processing by Tech Center Complete	0
26	12/20/2002	IDSC	Information Disclosure Statement considered	0
12.7	12/20/2002	M844	Information Disclosure Statement (IDS) Filed	0
12	12/20/2002	WIDS	Information Disclosure Statement (IDS) Filed	0
11	11/23/2002	DOCK	Case Docketed to Examiner in GAU	0
10	11/12/2002	OIPE	Application Dispatched from OIPE	0
9	11/07/2002	COMP	Application Is Now Complete	0
8	10/28/2002	ADDFLFEE	Additional Application Filing Fees	0
7	10/28/2002	SES	Small Entity Statement (37 CFR 1.27)	0
6	10/28/2002	OATHDECL	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic	0
5	10/17/2002	INCD	Notice Mailed--Application Incomplete--Filing Date Assigned	0
4	09/29/2002	L128	Cleared by L&R (LARS)	0
3	09/28/2002	SCAN	IFW Scan & PACR Auto Security Review	0
2	09/23/2002	SCAN	IFW Scan & PACR Auto Security Review	0
1	09/17/2002	IEXX	Initial Exam Team nn	0

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McANDREWS, HELD & MALLOY, LTD.
34th Floor
500 W. Madison Street
Chicago IL 60661

MAILED

DEC 16 2011

In re Patent No. 7,985,405	:	OFFICE OF PETITIONS
Zhang	:	
Issue Date: July 26, 2011	:	
Application No. 10/244,878	:	DECISION ON REQUEST FOR
Filed: September 17, 2002	:	RECONSIDERATION OF
Attorney Docket No. 13763US01	:	PATENT TERM ADJUSTMENT
Title: TREATMENT SOLUTION AND	:	
METHOD FOR PREVENTING POSTERIOR	:	
CAPSULAR OPACIFICATION BY	:	
SELECTIVELY INDUCING DETACHMENT	:	
AND/OR DEATH OF LENS EPITHELIAL	:	
CELLS	:	

This is a decision on the "APPLICATION FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 35 U.S.C. § 154(b) INDICATED IN THE PATENT (37 C.F.R. § 1.705 (b and (d)) AND PETITION TO SUSPEND THE RULES (37 CFR § 1.183)" filed on September 9, 2011 requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by eight hundred twenty-six (826) days.

The request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.183 is **DISMISSED**.

Patentee has failed to provide sufficient evidence to establish that justice requires waiver of the requirement to file a request for reconsideration of the patent term adjustment within the time period provided in 37 CFR 1.705(b).

The request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(b) is **DISMISSED** as untimely.

Application No. 10/244,878 Patent 7,985,405
The request for reconsideration of the patent term adjustment (PTA) pursuant to 37 CFR 1.705(d) is **DISMISSED**.

Patentee disputes the 848 day reduction for the abandonment of the application. Patentee's argument is untimely. Issues that should have been raised on application for patent term adjustment under 37 CFR 1.705(b) are untimely if first raised on request for reconsideration under 37 CFR 1.705(d). Issues under 37 CFR 1.705(d) are those tied to the revised determination calculated after the mailing of the notice of allowance. As such challenges to calculations determined prior to the notice of allowance (and reflected in the determination sent with the notice of allowance) are untimely when first presented under 1.705(d). An opportunity to dispute the reduction was provided with the mailing of the March 16, 2011 Notice of Allowance.

Patentees also contest the period of adjustment of 479 days accorded pursuant to 35 USC § 154(b)(1)(B) and assert that the correct period of adjustment under 35 USC § 154(b)(1)(B) is 480 days.

As the period from the filing date of the request for continued examination (RCE) to the issue date of the patent is not included in the "B" delay period, the over three year period begins on September 18, 2005 and ends on January 9, 2007, the day before the RCE was filed, and is 479 (not 480) days. See 35 U.S.C. 154(b)(1)(B)(i).

In view thereof, no adjustment to the patent term will be made.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

Deposit account no. 13-0017 will be charged the \$400.00 fee for consideration of the petition under 37 CFR 1.183.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Application No. 10/244,878

Patent 7,985,405

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3215.

/Charlema Grant/
Charlema Grant
Attorney Advisor
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

WAGNER, ANDERSON & BRIGHT, PC
3541 OCEAN VIEW BLVD
GLENDALE CA 91208

MAILED
APR 22 2011
OFFICE OF PETITIONS

In re Patent No. 7,158,752 :
Issue Date: January 2, 2007 :
Application No. 10/244,952 :
Filed: September 17, 2002 :
Attorney Docket No. D9432 :

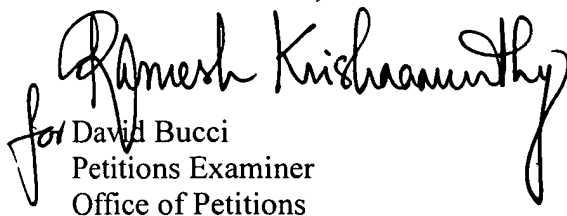
This is a decision on the petition under 37 CFR 1.378(c), filed February 24, 2011, to accept the unintentionally delayed payment of a maintenance fee for the above-identified patent.

The petition is **GRANTED**.

This patent expired on January 3, 2011 for failure to pay the 3 ½ year maintenance fee. Since this petition was submitted within twenty-four months after the six-month grace period provide in 37 CFR 1.362(e), the petition was timely filed under the provisions of 37 CFR 1.378(c).

The maintenance fee is hereby accepted and the above-identified patent is reinstated as of the mail date of this decision.

Telephone inquiries relating to this decision should be directed to Robert DeWitty, Petitions Examiner, Office of Petitions (571-272-8427).


for David Bucci
Petitions Examiner
Office of Petitions

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6796168	2004-09-28	10245237	2002-09-17	P/5517-36

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|-----------------------|-----------|--------|
| <input type="radio"/> | 3 ½ year | (1551) |
| <input type="radio"/> | 7 ½ year | (1552) |
| <input type="radio"/> | 11 ½ year | (1553) |

Small Entity

- | | Fee | Code |
|----------------------------------|-----------|--------|
| <input checked="" type="radio"/> | 3 ½ year | (2551) |
| <input type="radio"/> | 7 ½ year | (2552) |
| <input type="radio"/> | 11 ½ year | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/Joel J Felber/	Date (YYYY-MM-DD)	2010-09-15
Name	Joel J. Felber	Registration Number	59642
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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United States Patent and Trademark Office
P.O. Box 1450
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In re Patent No.	6796168	:
Issue Date:	September 28, 2004	:
Application No.	10245237	:DECISION GRANTING PETITION
Filed:	September 17, 2002	:UNDER 37 CFR 1.378(c)
Attorney Docket No.	V1025/20185	:

This is a decision on the electronic petition, filed September 15, 2010, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of September 15, 2010. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
7019898	2006-03-28	10245634	2002-09-18	MR3885-4

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|---------------------------------|-----|--------|
| <input type="radio"/> 3 ½ year | | (1551) |
| <input type="radio"/> 7 ½ year | | (1552) |
| <input type="radio"/> 11 ½ year | | (1553) |

Small Entity

- | | Fee | Code |
|---|-----|--------|
| <input checked="" type="radio"/> 3 ½ year | | (2551) |
| <input type="radio"/> 7 ½ year | | (2552) |
| <input type="radio"/> 11 ½ year | | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/David I. Klein/	Date (YYYY-MM-DD)	2012-03-01
Name	DAVID I. KLEIN	Registration Number	33253
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Patent No. 7019898 :
Issue Date: March 28, 2006 :
Application No. 10245634 :DECISION GRANTING PETITION
Filed: September 18, 2002 :UNDER 37 CFR 1.378(c)
Attorney Docket No. PAGE-5C :

This is a decision on the electronic petition, filed March 1, 2012, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of March 1, 2012. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.



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JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

MAILED
NOV 08 2011
OFFICE OF PETITIONS

In re Application of	:	
Edwards et al.	:	
Application No. 10/245,802	:	DECISION ON PETITION
Filed: September 13, 2002	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 012959-0004-999	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 28, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from the applicant's attorney. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3206.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

An Office action was mailed November 8, 2011. This application is being forwarded to the Technology Center Art Unit 1645 to await a reply.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions



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Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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GEOFFREY E. DOBBIN, PATENT ATTORNEY
4278 SOUTH 6220 WEST
WEST VALLEY CITY UT 84128-6501

MAILED

JUL 13 2011

OFFICE OF PETITIONS

In re Patent No. 6,748,689	:	
Issue Date: June 15, 2004	:	
Application No. 10/245,953	:	ON PETITION
Filed: September 17, 2002	:	
Attorney Docket No. GDRMF01G	:	

This is a decision on the petition under 37 CFR 1.378(c), filed June 17, 2011, to accept the delayed payment of a maintenance fee for the above-identified patent.

The petition is hereby **DISMISSED**.

A petition under 37 CFR 1.378(c) must be filed within twenty-four months after the six month grace period specified in 35 USC 41(b). Petitioner has filed a petition to reinstate for the 3 ½ year payment. However, the patent issued on June 15, 2004 and the 3 ½ year payment was due on June 15, 2008. Therefore, the set forth period in 35 USC 41(b) for paying the 3 ½ year maintenance fee expired at midnight on June 15, 2008. Accordingly, an unintentional petition to reinstate the instant patent must have been submitted no later than June 15, 2010. As the instant petition was filed on June 17, 2011, it was not timely filed and the instant patent will not be reinstated under the unintentional provisions of 37 CFR 1.378(c).

35 U.S.C. § 41(c)(1) authorizes the Commissioner to accept a delayed maintenance fee payment within twenty-four (24) months after the expiration of the six-month grace period specified in 35 U.S.C. § 41(b) if the delay is shown to have been unintentional, and authorizes the Commissioner to accept a delayed maintenance fee payment at any time if the delay is shown to have been unavoidable. Thus, 35 U.S.C. § 41(c)(1) does not authorize the Commissioner to accept a delayed maintenance fee payment later than twenty-four (24) months after the expiration of the six-month grace period specified in 35 U.S.C. § 41(b) unless the delay is shown to have been unavoidable. Since

the instant petition was not filed within twenty-four (24) months after the expiration of the six-month grace period specified in 35 U.S.C. § 41(b), the Commissioner cannot accept a delayed maintenance fee payment for the above-identified patent under 37 CFR 1.378(c).

Maintenance fees are required to be paid to maintain a patent in force beyond 4, 8 and 12 years after the date of grant.

The periods specified [above] with respect to a reissue application, including a continuing reissue application thereof, are counted from the date of grant of the original non-reissue application on which the reissued patent is based. **See MPEP 2504 and 37 CFR 1.362(h).**

Petitioner may wish to pursue reinstatement of the patent under the unavoidable provisions of 37 CFR 1.378(b). A petition to accept the delayed payment of a maintenance fee under 35 USC 41(c) and 37 CFR 1.378(b) must be accompanied by (1) an adequate, verified showing that the delay was unavoidable, since reasonable care was taken to insure that the maintenance fee would be paid timely and that the petition was filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent, (2) payment of the appropriate maintenance fee, unless previously submitted, and (3) payment of the surcharge set forth in 37 CFR 1.20(i)(1).


Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries should be directed to the undersigned at (571) 272-4584.



JoAnne Burke
Petitions Examiner
Office of Petitions

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6990778	2006-01-31	10245978	2002-09-18	PSO-101

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|-----------------------|-----------|--------|
| <input type="radio"/> | 3 ½ year | (1551) |
| <input type="radio"/> | 7 ½ year | (1552) |
| <input type="radio"/> | 11 ½ year | (1553) |

Small Entity

- | | Fee | Code |
|----------------------------------|-----------|--------|
| <input checked="" type="radio"/> | 3 ½ year | (2551) |
| <input type="radio"/> | 7 ½ year | (2552) |
| <input type="radio"/> | 11 ½ year | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

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Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/John R. Benefiel/	Date (YYYY-MM-DD)	2011-12-23
Name	John R. Benefiel	Registration Number	24889
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

Privacy Act Statement

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The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
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P.O. Box 1450
Alexandria, VA 22313-1450
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In re Patent No.	6990778	:
Issue Date:	January 31, 2006	:
Application No.	10245978	:DECISION GRANTING PETITION
Filed:	September 18, 2002	:UNDER 37 CFR 1.378(c)
Attorney Docket No.	PJK102A US	:

This is a decision on the electronic petition, filed December 23, 2011, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of December 23, 2011. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
7,000,321	2006-02-21	10/246,071	2002-09-17	

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|-----------------------|-----------|--------|
| <input type="radio"/> | 3 ½ year | (1551) |
| <input type="radio"/> | 7 ½ year | (1552) |
| <input type="radio"/> | 11 ½ year | (1553) |

Small Entity

- | | Fee | Code |
|----------------------------------|-----------|--------|
| <input checked="" type="radio"/> | 3 ½ year | (2551) |
| <input type="radio"/> | 7 ½ year | (2552) |
| <input type="radio"/> | 11 ½ year | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☐ An attorney or agent registered to practice before the Patent and Trademark Office
- ☒ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

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Sole Patentee			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature.			
Signature	/SandraJRodgers/	Date (YYYY-MM-DD)	2012-01-24
Name	Sandra J. Rodgers		
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

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5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
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In re Patent No.	7000321	:
Issue Date:	February 21, 2006	:
Application No.	10246071	:DECISION GRANTING PETITION
Filed:	September 17, 2002	:UNDER 37 CFR 1.378(c)
Attorney Docket No.	RODG01NP	:

This is a decision on the electronic petition, filed January 24, 2012, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of January 24, 2012. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.



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COMMISSIONER FOR PATENTS
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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Ivor R. Elrifi
Mintz, Levin, Cohn, Ferris,
Glovsky and Popeo, P.C.
666 Third Avenue, 24th Floor
New York NY 10017

MAILED

MAY 23 2011

OFFICE OF PETITIONS

In re Application of :
Delfani et al. : DECISION ON APPLICATION
Application No. 10/246,091 : for
Filed: September 18, 2002 : PATENT TERM ADJUSTMENT
Attorney Docket No. 21882-504 :

This is a decision on the "APPLICATION FOR PATENT TERM UNDER 37 C.F.R. § 1.705(b)," filed April 27, 2011. Applicants request that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from six hundred forty (640) days to one thousand two hundred fifty-three (1,253) days.

The application for patent term adjustment is GRANTED.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the notice of allowance is one thousand two hundred fifty-three (1,253) days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On April 18, 2011, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is 640 days. On April 27, 2011, applicants timely submitted the instant application for patent term adjustment¹. Applicants state that the period of adjustment should not have been reduced by 505 days for filing of an IDS on January 11,

¹ PALM records show that the Issue Fee was also received on April 27, 2011.

2011 after a reply or 108 days for filing of an IDS on June 19, 2009 after a reply. See § 1.704(c)(8). Applicants contend that pursuant to § 1.704(d), the filing of both supplemental IDSs should not be considered a failure to engage in reasonable efforts to conclude prosecution of this application under 37 C.F.R. § 1.704(c)(8).

Applicants state that the patent issuing from this application is not subject to a terminal disclaimer.

Pursuant to 37 CFR § 1.704(c)(8), the submission of a supplemental reply or other paper, other than a supplemental reply or other paper expressly requested by the examiner, after a reply has been filed, is a failure to engage in reasonable efforts to conclude prosecution. The record reveals that both IDSs included a § 1.704(d) statement. Thus, it is concluded that the filing of the neither should have led to a reduction of the patent term adjustment.

Applicants are reminded that § 1.704(d) was revised, effective May 24, 2004, as follows:

A paper containing only an information disclosure statement in compliance with §§ 1.97 and 1.98 will not be considered a failure to engage in reasonable efforts to conclude prosecution (processing or examination) of the application under paragraphs (c)(6), (c)(8), (c)(9), or (c)(10) of this section if it is accompanied by a statement that each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the information disclosure statement. This thirty-day period is not extendable.

This revision requires that the statement include the language "each item of information contained in the information disclosure statement was first cited ..." for the exception to apply. See 69 FR 21704, Apr. 22, 2004.

In view thereof, the determination of patent term adjustment at the time of the mailing of the notice of allowance is 1,253 days.

Receipt of the \$200.00 fee set forth in 37 CFR 1.18(e) is acknowledged. No additional fees are required.

The application is being forwarded to the Office of Data Management for issuance of the patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson", with a large, stylized loop at the end.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of REVISED PALM Screen

10/246,091

TREATMENT OF PARKINSON'S DISEASE WITH PDGF

05-23-
2011::11:08:23**Patent Term Adjustments**

Patent Term Adjustment (PTA) for Application Number: 10/246,091

Filing or 371(c) Date:	09-18-2002	Overlapping Days Between {A and B} or {A and C}:	0
Issue Date of Patent:	-	Non-Overlapping USPTO Delays:	1579
A Delays:	750	PTO Manual Adjustments:	613
B Delays:	0	Applicant Delays:	939
C Delays:	829	Total PTA Adjustments:	1253

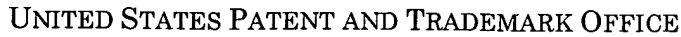
Patent Term Adjustment History**Explanation Of Calculations**

Number	Date	Contents Description	PTO(Days)	APPL (Days)	Start
147	05-20-2011	Adjustment of PTA Calculation by PTO	108		0
146	05-20-2011	Adjustment of PTA Calculation by PTO	505		0
137	04-18-2011	Mail Notice of Allowance			0
136	04-13-2011	Office Action Review			0
135	04-13-2011	Office Action Review			0
134	04-08-2011	Office Action Review			0
133	04-08-2011	Issue Revision Completed			0
132	04-08-2011	Document Verification			0
131	04-08-2011	Notice of Allowance Data Verification Completed			0
130	04-08-2011	Allowability Notice			0
118	02-22-2010	Information Disclosure Statement considered			0
117	12-09-2010	Information Disclosure Statement considered			0
116	01-11-2011	Information Disclosure Statement considered			0
115	01-26-2011	Mail BPAI Decision on Appeal - Reversed	829		77
114	01-25-2011	BPAI Decision - Examiner Reversed			0
113	01-11-2011	Information Disclosure Statement (IDS) Filed		505	97
112	01-11-2011	Information Disclosure Statement (IDS) Filed			0
111	12-09-2010	Information Disclosure Statement (IDS) Filed			0
110	12-09-2010	Information Disclosure Statement (IDS) Filed			0
109	11-29-2010	Confirmation of Hearing by Appellant			0
108	11-18-2010	Notification of Appeal Hearing			0
107	02-22-2010	Information Disclosure Statement (IDS) Filed			0
106	02-22-2010	Information Disclosure Statement (IDS) Filed			0
105	10-21-2009	Docketing Notice Mailed to Appellant			0
104	10-20-2009	Assignment of Appeal Number			0
102	10-13-2009	Appeal Awaiting BPAI Docketing			0
101	10-13-2009	Mail Reply Brief Noted by Examiner			0
100	10-09-2009	Reply Brief Noted by Examiner			0
99	09-02-2009	Request for Oral Hearing			0
98	09-24-2009	Date Forwarded to Examiner			0
97	08-24-2009	Reply Brief Filed			0
96	09-02-2009	Request for Oral Hearing			0
95	06-19-2009	Information Disclosure Statement (IDS) Filed		108	83
94	07-28-2009	Exam. Ans. Review Complete			0
93	06-25-2009	Mail Examiner's Answer			0
92	06-22-2009	Examiner's Answer to Appeal Brief			0
91	06-22-2009	Mail Miscellaneous Communication to Applicant			0
90	06-19-2009	Information Disclosure Statement considered			0
89	06-21-2009	Miscellaneous Communication to Applicant - No Action Count			0
88	06-19-2009	Information Disclosure Statement (IDS) Filed			0
85	04-04-2009	Appeal Brief Review Complete			0

84	04-04-2009	Date Forwarded to Examiner		0
83	03-03-2009	Appeal Brief Filed		0
82	02-25-2009	Notice -- Defective Appeal Brief		0
81	02-23-2009	Appeal Brief Review Complete		0
80	02-23-2009	Date Forwarded to Examiner		0
79.1	01-20-2009	Defective / Incomplete Appeal Brief Filed		0
79	01-20-2009	Appeal Brief Filed		0
78	01-20-2009	Request for Extension of Time - Granted		0
77	10-20-2008	Notice of Appeal Filed		0
76	10-01-2008	Mail Advisory Action (PTOL - 303)		0
75	09-29-2008	Advisory Action (PTOL-303)		0
74	09-19-2008	Affidavit(s) (Rule 131 or 132) or Exhibit(s) Received		0
73	09-24-2008	Date Forwarded to Examiner		0
72	09-19-2008	Amendment after Final Rejection		0
71	07-21-2008	Mail Final Rejection (PTOL - 326)		0
70	07-21-2008	Final Rejection		0
69	04-17-2008	Information Disclosure Statement considered		0
68	04-17-2008	Reference capture on IDS		0
67	04-17-2008	Information Disclosure Statement (IDS) Filed	0	65
66	05-16-2008	Date Forwarded to Examiner		0
65	04-17-2008	Response after Non-Final Action		0
64	04-17-2008	Information Disclosure Statement (IDS) Filed		0
63	03-19-2008	Mail Non-Final Rejection		0
62	03-17-2008	Non-Final Rejection		0
60	01-09-2008	Date Forwarded to Examiner		0
59	12-03-2007	Response after Non-Final Action		0
58	01-10-2008	Mail of Withdraw of Informal Amendment Notice		0
57	01-09-2008	Withdraw of Informal Amendment Notice		0
56	01-07-2008	Mail Notice of Informal or Non-Responsive RCE Amendment		0
55	01-05-2008	RCE Amendment Informal or Non-Responsive		0
54	12-03-2007	Affidavit(s) (Rule 131 or 132) or Exhibit(s) Received		0
53	01-05-2008	Date Forwarded to Examiner		0
52	12-03-2007	Amendment Submitted/Entered with Filing of CPA/RCE		0
51	01-05-2008	Date Forwarded to Examiner		0
50	12-03-2007	Request for Continued Examination (RCE)		42
49	01-05-2008	Disposal for a RCE / CPA / R129	/	0
48	12-03-2007	Workflow - Request for RCE - Begin		0
47	10-26-2007	Mail Advisory Action (PTOL - 303)		0
46	10-25-2007	Advisory Action (PTOL-303)		0
45	10-18-2007	Date Forwarded to Examiner		0
44	10-05-2007	Amendment/Argument after Notice of Appeal		0
43	10-05-2007	Affidavit(s) (Rule 131 or 132) or Exhibit(s) Received		0
42	10-05-2007	Notice of Appeal Filed	88	40
41	10-05-2007	Request for Extension of Time - Granted		0
40	04-09-2007	Mail Final Rejection (PTOL - 326)		0
39	04-02-2007	Final Rejection		0
38	01-19-2007	Date Forwarded to Examiner		0
37	12-22-2006	Response after Non-Final Action	87	35
36	12-22-2006	Request for Extension of Time - Granted		0
35	06-26-2006	Mail Non-Final Rejection		0
34	06-22-2006	Non-Final Rejection		0
33	11-07-2003	Information Disclosure Statement considered		0

32	04-13-2006	Date Forwarded to Examiner		0
31	04-07-2006	Response to Election / Restriction Filed	31	29
30	04-07-2006	Request for Extension of Time - Granted		0
29	12-07-2005	Mail Restriction Requirement	750	0.5
28	12-06-2005	Restriction/Election Requirement		0
27	11-22-2005	IFW TSS Processing by Tech Center Complete		0
26	10-24-2005	Case Docketed to Examiner in GAU		0
25	06-28-2005	Case Docketed to Examiner in GAU		0
24	11-07-2003	Reference capture on IDS		0
23.7	11-07-2003	Information Disclosure Statement (IDS) Filed		0
23	11-07-2003	Information Disclosure Statement (IDS) Filed		0
22	05-23-2003	Preliminary Amendment		0
21	01-28-2004	Case Docketed to Examiner in GAU		0
20	11-07-2003	Reference capture on IDS		0
19	05-23-2003	Preliminary Amendment		0
17	07-19-2003	Application Return from OIPE		0
16	07-21-2003	Application Is Now Complete		0
15	07-19-2003	Application Return TO OIPE		0
14	07-18-2003	Application Return from OIPE		0
13	07-18-2003	Application Is Now Complete		0
12	07-18-2003	Application Return TO OIPE		0
11	07-18-2003	Application Dispatched from OIPE		0
10	07-18-2003	Application Is Now Complete		0
9	05-23-2003	Additional Application Filing Fees	120	6
8	05-23-2003	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic		0
7	06-18-2003	CRF Is Good Technically / Entered into Database		0
6	10-23-2002	Notice Mailed--Application Incomplete--Filing Date Assigned		0
4	10-01-2002	Cleared by L&R (LARS)		0
3	09-28-2002	IFW Scan & PACR Auto Security Review		0
2	09-23-2002	IFW Scan & PACR Auto Security Review		0
1	09-18-2002	Initial Exam Team nn		0
0.5	09-18-2002	Filing date		0

[Close Window](#)



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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Patent No. : 6,844,278 B2
Ser. No. : 10/246,847
Inventor(s) : Wang et al.
Issued : Jan. 18, 2005
Title : DENSE LEAD-FREE GLASS CERAMIC FOR ELECTRONIC DEVICES
Docket No. : 1046/206
Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing *incorrect or erroneous* assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 (*see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481*). This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

- A. the processing fee set forth in 37 CFR 1. 17(i) (currently \$130);
- B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
- C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail:

**Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450**

By hand:

Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax:

(703) 872-9306
ATTN: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

Ennis Young

For Mary Diggs

Decisions & Certificates
of Correction Branch

(571) 272-3435 or (703) 756-1814



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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
3404 E. Harmony Road
Mail Stop 35
FORT COLLINS CO 80528

MAILED

MAR 01 2011

OFFICE OF PETITIONS

In re Application of :
Ullas Gargi :
Application No. 10/247,221 : **DECISION ON PETITION**
Filed: September 18, 2002 :
Attorney Docket No. 100200213-1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 28, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice of Non-Compliant Amendment mailed October 12, 2010, which set a shortened statutory period for reply of one (1) month or (30) thirty days. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 13, 2010. A Notice of Abandonment was mailed on December 8, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1,620 and (3) a proper statement of unintentional delay. Accordingly, the amendment is accepted as being unintentionally delayed.

As authorized the petition fee of \$1,620 will be charged to the petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 2172 for appropriate action by the Examiner in the normal course of business on the reply received December 28, 2010.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

A circular black and white stamp. The outer ring contains the text "OIP" at the top and "OFFICE OF INTELLECTUAL PROPERTY" at the bottom. The center of the stamp contains the date "FEB 15 2006".

Coke \$

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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CERTIFICATE OF CORRECTION
UNDER RULES 322 AND 323

02/15/2006 SZEWDIE1 00000134 6917449

01 FC:1811

Sir:

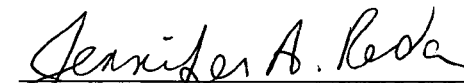
It is respectfully requested that a Certificate of Correction be issued by the Patent and Trademark Office due to errors which appear in the printed patent as a result of Patent and Trademark Office mistakes, and mistakes of a clerical, typographical, or minor character, which were not the fault of the Patent and Trademark Office. A Certificate of Correction form, in duplicate, is enclosed.

FEB 21 2006

Accompanying this letter is a check for \$100.00 to cover the statutory fee for such Certificate of Correction.

Patentees' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,


Jennifer A. Reda
Attorney for Patentees
Registration No. 57,840

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200
540535v1

FEB 21 2006

Staple
Here
Only!

PRINTER'S TRIM LINE

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 6,917,449 B2

DATED : July 12, 2005

INVENTOR(S) : YASUKI NAKAJIMA ET AL.

Page 1 of 2

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

ON COVER PAGE AT (30) FOREIGN APPLICATION PRIORITY DATA

"Nov. 17, 1998 (JP) 10-326399" should read
-- Nov. 17, 1998 (JP) 10-326390--.

ON COVER PAGE AT (56) FOREIGN PATENT DOCUMENTS

"62146066" should read --62-146066--;
"JP 9322108 * 12/1997 H04N/5/907" should be deleted; and
"JP 10065910 3/1998" should be deleted.

ON COVER PAGE AT (75) INVENTORS

"Yasuki Nakajima, Kanagawa-ken (JP);
Hisatsugu Tahara, Kanagawa-ken (JP)"

should read

--Yasuki Nakajima, Yokohama (JP);
Hisatsugu Tahara, Kawasaki (JP)--.

COLUMN 1

Line 33, "hands," should read --hand,--;
Line 34, "noises" should read --noise--;
Line 37, "noises," should read --noise--;
Line 41, "noises," should read --noise,--; and
Line 44, "noises," should read --noise,--.

MAILING ADDRESS OF SENDER:

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
(212) 218-2100 - Telephone
(212) 218-2200 - Facsimile

PATENT NO. US 6,917,449 B2

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UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 6,917,449 B2

DATED : July 12, 2005

INVENTOR(S) : YASUKI NAKAJIMA ET AL.

Page 2 of 2

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

COLUMN 6

Line 23, "noises" should read --noise--.

MAILING ADDRESS OF SENDER:

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
(212) 218-2100 - Telephone
(212) 218-2200 - Facsimile

PATENT NO. US 6,917,449 B2

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Hisatsugu Tahara, Kanagawa-ken (JP)"

should read

--Yasuki Nakajima, Yokohama (JP);
Hisatsugu Tahara, Kawasaki (JP)--.

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Line 44, "noises," should read --noise,--.

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FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
(212) 218-2100 - Telephone
(212) 218-2200 - Facsimile

PATENT NO. US 6,917,449 B2

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Form PTO 1050 (Rev. 3-82)

540535v1



FEB 21 2006

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PRINTER'S TRIM LINE

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 6,917,449 B2

DATED : July 12, 2005

INVENTOR(S) : YASUKI NAKAJIMA ET AL.

Page 2 of 2

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

COLUMN 6

Line 23, "noises" should read --noise--.

MAILING ADDRESS OF SENDER:

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
(212) 218-2100 - Telephone
(212) 218-2200 - Facsimile

PATENT NO. US 6,917,449 B2

No. of add'l. copies
@ 30¢ per page

Form PTO 1050 (Rev. 3-82)

540535v1



FEB 21 2006



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P.O. Box 1450
Alexandria, VA 22313-1450
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**FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.
1300 I STREET, N.W.
WASHINGTON DC 20005-3315**

MAILED

JUL 18 2011

OFFICE OF PETITIONS

In re Patent No. 6,619,970
Issue Date: September 16, 2003
Application No. 10/247,507
Filed: September 20, 2002
Attorney Docket No. 06753.0536

ON PETITION

This is a decision on the petition filed June 30, 2011, which is being treated as a request under 37 CFR 3.81(b)¹ to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to Diane Goodwyn at (571) 272-6735. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

Thurman K. Page
Petitions Examiner
Office of Petitions

¹ See MPEP 1309, subsection II; and Official Gazette of June 22, 2004.



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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PCT LEGAL ADMINISTRATION

LOWE HAUPTMAN HAM & BERNER, LLP
1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA VA 22314

In re Application of:	:	DECISION ON RENEWED
DONALDSON, Bruce, William	:	PETITIONS UNDER 37 CFR
U.S. Application No.: 10/247,721	:	1.78(a)(3) AND 37 CFR 1.137(b)
Filing Date: September 20, 2002	:	
Attorney Docket No.: 1519-007	:	
For: DIGESTIVE/LAXATIVE	:	
COMPOSITIONS	:	

This decision is issued in response to the "Request For Reconsideration Of The Petition Under 37 C.F.R. §1.78(a)(3)" and the "Renewed Petition Under 37 C.F.R. §1.137(b)" filed 30 September 2010. Applicant has previously paid the required petition fees.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed 30 July 2010. The decision dismissed without prejudice applicant's petition under 37 CFR 1.78(a)(3), finding that a grantable renewed petition for revival of the prior-filed international application was required before the petition under 37 CFR 1.78(a)(3) could be granted.

On 30 September 2010, applicant filed the "Request For Reconsideration Of The Petition Under 37 C.F.R. §1.78(a)(3)" and the "Renewed Petition Under 37 C.F.R. §1.137(b)" considered herein.

DISCUSSION

1. Renewed Petition Under 37 CFR 1.78

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. The present application was filed after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Here, the revised claim for the benefit of priority to the prior filed international application was submitted after the expiration of the period

specified in 37 CFR 1.78(a)(2)(ii).¹ In view of the above, the present petition is properly considered under 37 CFR 1.78(a)(3).

A grantable petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference to the prior-filed application, as required by 35 U.S.C. 120 and 37 CFR 1.78(a)(2)(i), unless previously submitted;
- (2) the surcharge set forth in 37 CFR 1.17(t);
- (3) A statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional.

The present renewed petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that: (1) pursuant to the amendment filed on 12 May 2010, a proper reference to the prior-filed international application has been included in an amendment to the first sentence of the specification following the title; (2) applicant has submitted the required petition fee; and (3) the petition includes an acceptable statement of unintentional delay. In addition, as discussed below, applicant has filed a grantable petition for revival of the prior-filed international application, as a result of which the present application is considered to have co-pendency with the international application. Accordingly, having found that the renewed petition for acceptance of the unintentionally delayed claim for the benefit of priority under 35 U.S.C. 120 to the prior-filed international application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is appropriately granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed international application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the Filing Receipt accompanying this decision on petition will include the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed international application, accompanies this decision on petition.

2. Renewed Petition For Revival Under 37 CFR 1.137(b) Of PCT/NZ01/00044

The decision mailed 19 March 2010 indicated that applicant had not satisfied the “required reply” element of a grantable petition for revival. Specifically, the decision stated that the present application did not include an acceptable reference to PCT/NZ01/000444 and

¹ The reference to the international application contained in the preliminary amendment filed with the present application at the time of filing was defective under 37 CFR 1.78(a)(2)(i) for failure to include the international filing date of the prior-filed international application.

therefore was not a continuation of the international application that could be accepted as such "required reply."

As discussed above, applicant has now submitted a grantable petition under 37 CFR 1.78(a)(3) to add the required reference identifying the present application as a continuation of international application PCT/NZ01/00044. The present application is therefore now considered a continuation of the international application, and the filing of such continuation application satisfies the "required reply" element of a grantable petition for revival.

Based on the above, applicant has now satisfied the final outstanding requirement of a grantable petition for revival of PCT /NZ01/00044 under 37 CFR 1.137(b). Applicant's renewed petition for revival of the international application is therefore appropriately granted.

CONCLUSION

The renewed petition under 37 CFR 1.78(a)(3) to add an unintentionally delayed continuity claim to PCT /NZ01/00044 is **GRANTED**.

The renewed petition for revival of international application PCT/NZ01/00044 under 37 CFR 1.137(b) is **GRANTED**.

International application PCT/NZ01/00044 is revived for purposes of continuity only, and since continuity has been established by this decision reviving the international application, the international application is again abandoned in favor of the present continuing application.



Richard M. Ross
Legal Examiner
Office of PCT Legal Administration

ATTACHMENT: Corrected Filing Receipt



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

MAILED

OCT 08 2010

OFFICE OF PETITIONS

In re Patent No: 7,180,946
Issue Date : February 20, 2007
Application No. 10/247,923
Filed: September 20, 2002
Attorney Docket No. FR 010132

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:
:

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

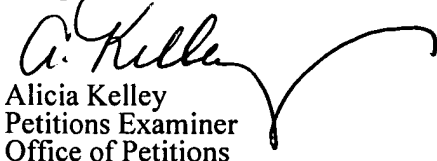
There is no indication that the request is signed by a registered patent attorney or patent agent of record. However, in accordance with 37 CFR 1.34, the signature of Mr. Thomas Mattioli appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts. If, Mr. Mattioli desires to receive correspondence regarding this file, the appropriate power of attorney documents must be submitted. A courtesy copy of this decision is being mailed to Mr. Mattioli, the petitioner herein. However, until otherwise instructed, all future correspondence regarding this application file will be directed solely to the above-noted correspondence address of record.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-6059.

The patent file will be forwarded to the Files Repository.


Alicia Kelley
Petitions Examiner
Office of Petitions

cc: THOMAS MATTIOLI
VOLPE & KOENIG, P.C.
UNITED PLAZA, SUITE 1600
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO IL 60661

MAILED

SEP 07 2010

OFFICE OF PETITIONS

In re Patent No. 7,630,566 :
Macinnis et al. : DECISION ON REQUEST FOR
Issue Date: December 8, 2009 : RECONSIDERATION OF
Application No. 10/247,940 : PATENT TERM ADJUSTMENT
Filed: September 20, 2002 :
Attorney Docket: 1772-13363US02 :
Title: METHOD AND APPARATUS FOR :
IMPROVED ESTIMATION AND :
COMPENSATION IN DIGITAL VIDEO :
COMPRESSION AND DECOMPRESSION :

This is a decision on the "REQUEST FOR RECONSIDERATION OF DECISION ON REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT IN VIEW OF WYETH" filed on May 24, 2010. Patentees request a patent term adjustment of 815 days.

Patentees initially filed a request for recalculation of patent term adjustment on April 15, 2010. In response, a petition granting a patent term adjustment of eight hundred fourteen (814) days was mailed April 22, 2010. Patentees request 815 days, instead of the 814 days currently accorded.

The petition to correct the patent term adjustment indicated on the above-identified patent is **DISMISSED**.

The period of adjustment to which the patent is entitled under 37 CFR 1.702(a) is 711 (November 21, 2003 to October 31, 2005) days.

The period of adjustment to which the patent is entitled under 37 CFR 1.702(b) is 385 days (September 21, 2005 to October 10, 2006 the day before the filing of the request for continued examination (RCE). The calculation begins on the day after the date that is three years after the date the application was filed under 35 U.S.C. 111(a). See 37 CFR 1.703(b).

There are 41 days of overlap (September 21, 2005 to October 31, 2005).

Patentees' delay totals 241 days.

A review of the record confirms that patentee is entitled to 814 days, not 815 days (711 + 385 - 41 - 241).

As such patentees are not entitled to additional patent term adjustment.

The application is being forwarded to the Certificate of Corrections Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by eight hundred fourteen (814) days.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

Telephone inquiries specific to this matter should be directed to Petitions Attorney, Charlema Grant at (571) 272-3215.



Anthony Knight
Director
Office of Petitions



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DINSMORE & SHOHL LLP
900 LEE STREET
SUITE 600
CHARLESTON, WV 25301

MAILED

JUN 10 2011

OFFICE OF PETITIONS

In re Application of Childers	:	
Application No. 10/248,242	:	Decision on Petition
Filing Date: December 30, 2002	:	
Attorney Docket No. ALA0002PA	:	

This is a decision on the petition under 37 CFR 1.137(b) filed May 19, 2011, to revive the above-identified application.

The petition is **granted**.

The above-identified application became abandoned for failure to reply in a timely manner to the final Office action mailed November 10, 2010, which set a shortened statutory period for reply of three (3) months. An extension of time under the provisions of 37 CFR 1.136(a) was not obtained. Accordingly, the above-identified application became abandoned on February 11, 2011. A Notice of Abandonment was mailed June 7, 2011.

The instant petition requests revival of the application.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed,
- (2) The petition fee,
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
- (4) A terminal disclaimer and fee if the application was filed on or before June 8, 1995, or if the application is a design application.

The petition satisfies the requirements of 37 CFR 1.137(b) in so far as petitioner has supplied a reply in the form of an amendment and request for continued examination, the required petition fee of \$810, and the required statement of unintentional delay. Therefore, the petition is granted and the application is revived.

Technology Center Art Unit 1615 will be informed of the instant decision and the application will be further examined in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

A handwritten signature in black ink, appearing to read 'Charles Brantley', written in a cursive style.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6,605,141	2003-08-12	10/249,104	2003-03-17	LKSP0001USA

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|----------------------------------|-----------|--------|
| <input type="radio"/> | 3 ½ year | (1551) |
| <input checked="" type="radio"/> | 7 ½ year | (1552) |
| <input type="radio"/> | 11 ½ year | (1553) |

Small Entity

- | | Fee | Code |
|-----------------------|-----------|--------|
| <input type="radio"/> | 3 ½ year | (2551) |
| <input type="radio"/> | 7 ½ year | (2552) |
| <input type="radio"/> | 11 ½ year | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/Winston Hsu/	Date (YYYY-MM-DD)	2011-09-23
Name	Winston Hsu	Registration Number	41526
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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In re Patent No. 6605141 :
Issue Date: August 12, 2003 :
Application No. 10249104 :DECISION GRANTING PETITION
Filed: March 17, 2003 :UNDER 37 CFR 1.378(c)
Attorney Docket No. LKSP0001USA :

This is a decision on the electronic petition, filed September 23, 2011, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of September 23, 2011. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.



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In re Patent No. 7079677 :
Issue Date: July 18,2006 :
Application No. 10249148 :DECISION GRANTING PETITION
Filed: March 19,2003 :UNDER 37 CFR 1.378(c)
Attorney Docket No. LKSP0014USA :

This is a decision on the electronic petition, filed April 6,2012 ,under 37 CFR 1.378(c)
to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of April 6,2012 .
This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and
this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print
and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
7,079,677	2006-07-18	10/249,148	2003-03-19	LKSP0014USA

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

	Fee	Code
<input checked="" type="radio"/> 3 ½ year		(1551)
<input type="radio"/> 7 ½ year		(1552)
<input type="radio"/> 11 ½ year		(1553)

Small Entity

	Fee	Code
<input type="radio"/> 3 ½ year		(2551)
<input type="radio"/> 7 ½ year		(2552)
<input type="radio"/> 11 ½ year		(2553)

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/Winston Hsu/	Date (YYYY-MM-DD)	2012-04-06
Name	Winston Hsu	Registration Number	41526
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

Privacy Act Statement

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The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION
P.O. BOX 506
MERRIFIELD, VA 22116

MAILED

MAY 04 2011

OFFICE OF PETITIONS

In re Patent of Wu	:	
Patent No. 7,266,105	:	
Issue Date: September 4, 2007	:	Letter
Application No. 10/249,177	:	
Filing Date: March 20, 2003	:	
Attorney Docket No. 5413-0167PUS1	:	

This is a notice regarding the request for acceptance of a fee deficiency submission under 37 CFR 1.28(c) filed February 28, 2011, by Sang N. Dang.

The deficiency payment of \$810 is hereby accepted.

The change of status to large entity has been entered and made of record.

The petition is signed by Sang N. Dang. However, there is no indication Dang was ever given a power of attorney or authorization of agent in this case. In addition, the file does not indicate a change of address has been submitted even though the address given on the petition differs from the address of record. Although a copy of this decision is being mailed to the address on the petition, all future correspondence will be mailed solely to the address currently of record until such time as appropriate instructions are received to the contrary.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

cc: Sang N. Dang
Klein, O'Neil & Singh, LLP
Suite 725
18200 Von Karman Avenue
Irvine, CA 92612

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6,968,280	2005-11-22	10/249,213	2003-03-24	LKSP0007USA

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

	Fee	Code
<input checked="" type="radio"/> 3 ½ year		(1551)
<input type="radio"/> 7 ½ year		(1552)
<input type="radio"/> 11 ½ year		(1553)

Small Entity

	Fee	Code
<input type="radio"/> 3 ½ year		(2551)
<input type="radio"/> 7 ½ year		(2552)
<input type="radio"/> 11 ½ year		(2553)

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/Winston Hsu/	Date (YYYY-MM-DD)	2011-11-03
Name	Winston Hsu	Registration Number	41526
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Patent No. 6968280 :
Issue Date: November 22, 2005 :
Application No. 10249213 :DECISION GRANTING PETITION
Filed: March 24, 2003 :UNDER 37 CFR 1.378(c)
Attorney Docket No. LKSP0007USA :

This is a decision on the electronic petition, filed November 3, 2011, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of November 3, 2011. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

NOVAK DRUCE + QUIGG LLP
300 NEW JERSEY AVENUE, NW
FIFTH FLOOR
WASHINGTON DC 20001

MAILED
NOV 22 2010
OFFICE OF PETITIONS

In re Patent No. :
7,152,407 :
Application No. 10/249,394 : DECISION GRANTING PETITION
Filing Date: April 4, 2003 :
Issue Date: December 26, 2006 :
Attorney Docket No. 07589.0103.PCUS00

This is a decision on the petition under 37 CFR 1.182, filed September 14, 2010, requesting issuance of duplicate Letters of Patent for the above-identified patent.

The petition is **granted**.

The file record discloses that the instant application matured into U.S. Patent No. 7,152,407 on December 26, 2006. Petitioner contends, however, that the patent was lost.

In view of the facts set forth in the petition, it is concluded that the original Letters of Patent was lost. The Office of Data Management is directed to issue duplicate Letters of Patent.

The petition fee of \$400.00 was received.

Any questions concerning this decision may be directed to the undersigned at (571)272-3222. Any questions concerning issuance of the duplicate Letter of Patent should be directed to Niomi Farmer, Office of Data Management at (703) 308-9250 extension 129.

A copy of this decision is being forwarded to the Office of Data Management for issuance of a duplicate Letter of Patent.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

cc: Niomi Farmer—Office of Data Management FAX: 571-270-9753



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Patent No. 7046158
Issue Date: May 16, 2006
Application No. 10249527
Filed: April 16, 2003
Attorney Docket No. 65292-001

:

:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)

:

This is a decision on the electronic petition, filed October 29, 2010, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of October 29, 2010. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
7046158	2006-05-16	10249527	2003-04-16	052615.00130

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☒ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|---|-----|--------|
| <input checked="" type="radio"/> 3 ½ year | | (1551) |
| <input type="radio"/> 7 ½ year | | (1552) |
| <input type="radio"/> 11 ½ year | | (1553) |

Small Entity

- | | Fee | Code |
|---------------------------------|-----|--------|
| <input type="radio"/> 3 ½ year | | (2551) |
| <input type="radio"/> 7 ½ year | | (2552) |
| <input type="radio"/> 11 ½ year | | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

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I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

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Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/spl/	Date (YYYY-MM-DD)	2010-10-29
Name	Seann P Lahey	Registration Number	51910
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

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2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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INTELLECTUAL PROPERTY & TECH LAW DEPT
35 WATERVIEW DRIVE
MSC 26-22
SHELTON CT 06484

MAILED

AUG 31 2010

OFFICE OF PETITIONS

In re Application of.	:	
Doeberi, et al.	:	
Application No. 10/249,615	:	DECISION ON PETITION
Filed: April 23, 2003	:	
Attorney Docket No. F-681	:	

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed July 10, 2009.

The petition is **GRANTED**.

The above-identified application was held abandoned for failure to timely file a response to the non-final Office action mailed November 21, 2008. Previously, Applicants had filed a Notice of Appeal on June 23, 2008, and an Appeal Brief on August 25, 2008. In reply, the Office mailed the non-final Office action on November 21, 2008. This Office action set a shortened statutory period for reply of three (3) months. No reply having been received, the application became abandoned February 22, 2009. The Office mailed a Notice of Abandonment on June 11, 2009.

Applicants state that they never received the November 21, 2008 Office action.

To establish nonreceipt of an Office action, a petitioner must:

1) include a statement that the Office action was not received; 2) attest to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and 3) include a copy of the docket record where the nonreceived Office action would have been entered had it been received and docketed.¹ A proper docket report consists of a "docket record where the nonreceived Office action would have been entered had it been received and docketed."² "For example, if a three month period for reply was set in the nonreceived Office action, a copy of the docket record showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted..."³

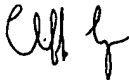
With the instant petition, petitioner has submitted a copy of a master docket report, showing all of the firm's replies docketed for a due date of February 21, 2009. An entry for the instant application is absent, supporting the conclusion that the November 28, 2008 Office action was not received

In view thereof, **the holding of abandonment is withdrawn.**

Moreover, there is no indication that the non-final Office action was approved by a SPE. MPEP 1207.04 states that SPE approval is required for an Examiner to remove an application from Appeal. Nor is there any indication that Applicants themselves withdrew the case from Appeal by filing an RCE.

The application is being forwarded to Group Art Unit 3627 for consideration of the Appeal Brief, filed August 25, 2008.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions

¹ See MPEP 711.03(c) (II).

² MPEP 711.03(c) (II).

³ Id.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/249,717	05/02/2003	Terry M. Olkin	65003.300601	2370
74029	7590	09/28/2010		
Patent Venture Group 10788 Civic Center Drive, Suite 215 Rancho Cucamonga, CA 91730-3805				
			EXAMINER TRUONG, THANHNGA B	
			ART UNIT 2438	PAPER NUMBER
			NOTIFICATION DATE 09/28/2010	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

pfiler@ipvglaw.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Raymond Roberts
Patent Venture Group
10788 Civic Center Drive, Suite 215
Rancho Cucamonga CA 91730-3850

In re Application of:
Olkin et al.
Application No. 10/249,717
Filed: May 02, 2003
For: Digital signature and Verification System for
Conversational Messages

**DECISION ON PETITION
UNDER 37 C.F.R. § 1.181**

This is a decision on the petition filed September 23, 2010, under 37 CFR § 1.181 to invoke Supervisory Authority of the Commissioner and require the Examiner to drop the claim objection the office action mailed August 19, 2010.

The petition is **Granted**.

On March 19, 2010, and August 19, 2010 the examiner objected to claims 7 and 20 for language not clearly supported anywhere in the specification. A review of MPEP 706.01 and 37 CFR 1.75 shows that a claim cannot be objected to for failing to have support in the specification.

The objection is hereby withdrawn.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3612. A second point of contact is QAS Kim Huynh who can be reached at (571) 272-4147.

Tod Swann
TC 2400 QAS/SPRE
Technology Center 2400

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
7026946	2006-04-11	10249913	2003-05-16	052615.00131

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☒ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|---|-----|--------|
| <input checked="" type="radio"/> 3 ½ year | | (1551) |
| <input type="radio"/> 7 ½ year | | (1552) |
| <input type="radio"/> 11 ½ year | | (1553) |

Small Entity

- | | Fee | Code |
|---------------------------------|-----|--------|
| <input type="radio"/> 3 ½ year | | (2551) |
| <input type="radio"/> 7 ½ year | | (2552) |
| <input type="radio"/> 11 ½ year | | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/spl/	Date (YYYY-MM-DD)	2010-10-29
Name	Seann P Lahey	Registration Number	51910
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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In re Patent No. 7026946
Issue Date: April 11, 2006
Application No. 10249913
Filed: May 16, 2003
Attorney Docket No. 65292-002

:

:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)

:

This is a decision on the electronic petition, filed October 29, 2010, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of October 29, 2010. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.



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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

MAILED

OCT 08 2010

OFFICE OF PETITIONS

In re Patent of Gillespie et al. :
Patent No. 7,452,894 :
Issue Date: November 18, 2008 :
Application No. 10/250,941 :
Filing Date: November 13, 2003 :
Attorney Docket No. 040283-0206 :

**DECISION ON REQUEST
FOR RECONSIDERATION O
PATENT TERM ADJUSTMENT**

This is a decision on the petition filed May 27, 2010, which is being treated as a renewed petition under 37 C.F.R. § 1.705(d). Petitioners request that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by four hundred thirty-three (433) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by four hundred thirty-three (433) days is **GRANTED TO THE EXTENT INDICATED HEREIN**.

On January 16, 2009, petitioners filed a request for reconsideration of patent term adjustment under 37 CFR 1.705(d). A decision on petition was mailed on March 29, 2010. The decision accorded three hundred seventy (370) days of patent term adjustment. On April 27, 2010, petitioners filed a request for recalculation of determination of patent term adjustment. The April 27, 2010 petition should have been forwarded to the Office of Petitions for action. However, on May 3, 2010, the Recalculation Department mailed a decision on the April 27, 2010 petition. The decision indicates the Certificates of Correction branch would be issuing a certificate of correction indicating the term of the patent is extended or adjusted by six hundred twenty-six (626) days.

The instant petition is a request for reconsideration of the March 29, 2010 decision. It was timely filed on May 27, 2010.

Petitioners argue the Office improperly excluded the 63-day period from the period of B Delay and assert the correct patent term adjustment is four hundred thirty-three (433) days, not three hundred seventy (370) days.

As a preliminary matter, petitioners argue that the three year period began on July 10, 2006, not July 11, 2006. The priority date of this application is January 10, 2001. As early commencement was not requested, the national stage commenced in this application thirty months later, on July 10, 2003. Thus, the maximum “B” delay is 433 days, counting the number of days beginning on the day after three years after the application’s commencement date, July 11, 2006 and ending on November 18, 2007, the day before the RCE was filed.

If the Office’s exclusion of the 63-day time period was improper, the Office would agree the patent term adjustment should be 433 days. However, Petitioners have failed to establish the exclusion of the 63-day time period was improper.

Pursuant to 35 U.S.C. § 154(b)(1)(B)(ii), B Delay does not include “any time consumed by appellate review by the Board of Patent Appeals and Interferences.” Petitioners argue the period of appellate review does not begin until jurisdiction is transferred to the Board of Patent Appeals and Interferences (“Board”) pursuant to 37 C.F.R. § 41.35.

The provisions of 37 C.F.R. § 1.703(b)(4) implement 35 U.S.C. § 154(b)(1)(B)(ii). Pursuant to 37 C.F.R. § 1.703(b)(4), the period of B Delay does not include,

The number of days, if any, in the period beginning on the date on which a notice of appeal to the Board of Patent Appeals and Interferences was filed under 35 U.S.C. 134 and § 41.31 of this title and ending on the date of the last decision by the Board of Patent Appeals and Interferences or by a Federal court in an appeal under 35 U.S.C. 141 or a civil action under 35 U.S.C. 145, or on the date of mailing of either an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever occurs first, if the appeal did not result in a decision by the Board of Patent Appeals and Interferences.

The petition asserts 37 C.F.R. § 1.703(b)(4) excludes too many days “because the filing of a notice of appeal does not commence the time period of appellate review by the Board.”

Although the petition asserts the period of appellate review begins when jurisdiction is transferred to the Board, the petition fails to cite any court decision or legislative history to support such an assertion.

The Office has considered the arguments in the petition and concluded the phrase “time consumed by appellate review by the Board” in 35 U.S.C. § 154(b)(1)(B)(ii) begins when a notice of appeal is filed.

The phrase “appellate review by the Board” appears twice in 35 U.S.C. § 154(b). The fact the identical phrase is used in another location in the same statute is relevant because “identical words used in different parts of the same statute are ... presumed to have the same meaning.” *IBP, Inc. v. Alvarez*, 546 U.S. 21, 34 (2005).

Pursuant to 35 U.S.C. § 154(b)(1)(C)(iii), successful “appellate review by the Board” will result in an adjustment for delay resulting from the appeal. The Office has interpreted 35 U.S.C.

§ 154(b)(1)(C)(iii) to provide for an adjustment based on delay beginning when a notice of appeal has been filed. 37 C.F.R. § 1.703(e) states, with emphasis added,

The period of adjustment under § 1.702(e) is the sum of the number of days, if any, in the period *beginning on the date on which a notice of appeal to the Board of Patent Appeals and Interferences was filed* under 35 U.S.C. 134 and § 41.31 of this title and ending on the date of a final decision in favor of the applicant by the Board of Patent Appeals and Interferences or by a Federal court in an appeal under 35 U.S.C. 141 or a civil action under 35 U.S.C. 145.

The Office's interpretation of 35 U.S.C. § 154(b)(1)(C)(iii) is supported by language in 35 U.S.C. § 154(b) prior to passage of the Patent Term Guarantee Act of 1999, Pub. L. No. 106-113, § 4402, 113 Stat. 1501A-557. Prior to passage of the Patent Term Guarantee Act of 1999, 35 U.S.C. §§ 154(b)(2)-(3) stated, with emphasis added,

Extension for *appellate review*. If the issue of a patent is delayed due to *appellate review* by the Board of Patent Appeals and Interferences or by a Federal court and the patent is issued pursuant to a decision in the review reversing an adverse determination of patentability, the term of the patent shall be extended for a period of time but in no case more than 5 years....

The period of extension ... shall include any period *beginning on the date on which an appeal is filed under section 134 or 141 of this title*, or on which an action is commenced under section 145 of this title, and ending on the date of a final decision in favor of the applicant.

As shown by the language quoted above, the period of appellate review in the former version of 35 U.S.C. § 154(b) began when a notice of appeal was filed. When Congress passed the Patent Term Guarantee Act of 1999, Congress failed to take any action to indicate Congress wished to change the starting date for the period of "appellate review" from the date a notice of appeal is filed until the date the application file is transferred to the Board.

In view of the prior discussion, the Office has reasonably concluded the period of "appellate review by the Board" under 35 U.S.C. § 154(b)(1)(C)(iii) begins when a notice of appeal is filed. Since identical words or phrases in the same statute are presumed to have the same meaning, the Office asserts the period of "appellate review" under 35 U.S.C. § 154(b)(1)(B)(ii) also begins when a notice of appeal is filed. The Office recognizes the presumption the same word or phrase in a statute has the same meaning is rebuttable. *See Envtl. Def. v. Duke Energy Corp.*, 549 U.S. 561, 575-76 (2007). However, the context of each instance of the phrase in the statute at issue fails to clearly indicate Congress intended for the same phrase to have two different meanings.

The Office has considered the arguments in the petition and determined the petition fails to establish the provisions of 37 C.F.R. § 1.702(b)(4) are inconsistent with the provisions of 35 U.S.C. § 154(b)(1)(B)(ii). Pursuant to 37 C.F.R. § 1.702(b)(4), the time period excluded from delay under 37 C.F.R. § 1.702(b) begins when a notice of appeal is filed. In other words, the

appellate review period excluded from the period of B Delay begins when a notice of appeal is filed.

In this case, the period of appellate review began when a notice of appeal was filed on September 17, 2007, and ended on November 18, 2007, the day before a request for continued examination was filed. The time consumed by the period of appellate review was 63 days. Therefore, the Office properly excluded 63 days from the period of B Delay as a result of time consumed by appellate review and the patent term adjustment is three hundred seventy (370) days (194 A delay + (496 – 63 excluded) B delay -257 Applicant delay).

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **three hundred seventy (370) days**.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3230.



Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,452,894 B2

DATED : November 18, 2008

DRAFT

INVENTOR(S) : Gillespie et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 114 days

Delete the phrase "by 114 days" and insert – by 370 days--



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/251,031	09/20/2002	Edward H. Cully	MP/167	2819
28596 7590 02/11/2011 GORE ENTERPRISE HOLDINGS, INC. 551 PAPER MILL ROAD P. O. BOX 9206 NEWARK, DE 19714-9206			EXAMINER DOWE, KATHERINE MARIE	
			ART UNIT 3734	PAPER NUMBER
			MAIL DATE 02/11/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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GORE ENTERPRISE HOLDINGS, INC.
551 PAPER MILL ROAD
P. O. BOX 9206
NEWARK DE 19714-9206

In re Application of:

CULLY, EDWARD H. et al

Serial No.: 10/251,031

Filed: Sep. 20, 2002

Docket: MP/167

Title: MEDICAL DEVICE AMENABLE TO
FENESTRATION

DECISION ON PETITION

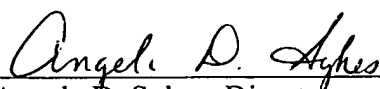
This is a decision on the petition filed on Sep. 22, 2003 seeking entry of the replacement drawings filed on September 22, 2003. This petition is being considered pursuant to 37 CFR §1.181.

The petition is **Granted**.

After consulting with the examiner, the requested relief is granted. The replacement drawings filed on September 22, 2003 have been reviewed by the examiner and accepted for entry. The examiner has been requested to enter the drawings filed on September 22, 2003 into the file and make acknowledgement accordingly.

The application is being forwarded to Supervisory Patent Examiner of Art Unit 3734 for awaiting the applicant's response to the outstanding non-final Office action mailed on October 25, 2010. Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner, at (571) 272-4856.

Petition granted.



Angela D. Sykes, Director
Technology Center 3700



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COMMISSIONER FOR PATENTS
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FULBRIGHT & JAWORSKI, LLP
1301 MCKINNEY
SUITE 5100
HOUSTON TX 77010-3095

MAILED

SEP 22 2010

OFFICE OF PETITIONS

In re Patent No. 7,718,387	:	DECISION ON APPLICATION FOR
Issued: May 18, 2010	:	PATENT TERM ADJUSTMENT
Application No. 10/251,144	:	
Filing or 371(c) Date: September 20, 2002	:	
Dkt. No.: AH-UTSC:688US	:	

This is a decision on the application for patent term adjustment under 37 CFR 1.705(d) filed on July 9, 2010 requesting an increase in patent term adjustment from 1513 days to 2073 days.

The petition for reconsideration of the patent term adjustment of 1073 days is **DISMISSED**.

The above-identified application matured into U.S. Patent No. 7,718,387 on May 18, 2010. The patent issued with a patent term adjustment of 1513 days. The instant application for patent term adjustment was timely filed July 9, 2010. Patentees contest the adjustment under 37 CFR 1.703(b), or, the "Three Year Delay," of 1141 days and assert that the correct adjustment in this regard is 1701 days.

Patentees' arguments have been carefully reviewed, but are not persuasive. Patentees' calculation of the "Three Year Delay" fails to take into account the requirements of 37 CFR 1.703(b)(4) which essentially holds that the "Three Year Delay" does not include the number of days, if any, in the period beginning on the date on which a notice of appeal to the Board of Patent Appeals and Interferences was filed under 35 U.S.C. 134 and § 41.31 of this title and ending on the date of the last decision by the Board of Patent Appeals and Interferences or by a Federal court in an appeal under 35 U.S.C. 141 or a civil action under 35 U.S.C. 145, or on the date of mailing of either an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever occurs first, if the appeal did not result in a decision by the Board of Patent Appeals and Interferences.

Thus, the "Three Year Delay" of 1701 was properly reduced for the appeal period as prescribed by 37 CFR 1.703(b)(4). In view thereof, no adjustment to the patent term will be made.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

Patent No. 7,718,387

2

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Senior Petitions Attorney
Office of Petitions



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DR. SABURO YAMAMOTO
27-5 GOTENYAMA 4-CHOME
TAKARAZUKA-SHI, HYOGO-KEN
665-0-841
JP JAPAN

MAILED
NOV 30 2010
OFFICE OF PETITIONS

In re Patent No. 7,037,107 :
Issue Date: 2 May, 2006 :
Application No. 10/251,488 : **DECISION ON PETITION**
Filed: 18 September, 2002 :
Attorney Docket No. ZANVIRO-01 :

This is a decision on the petition filed on 22 June, 2010, properly treated as a petition pursuant to 37 C.F.R. §1.378(c) to accept the unintentionally delayed payment of a maintenance fee for the above-identified patent.

NOTE: *The address on the petition is different than that of record.*

If Petitioner desires to receive future correspondence regarding this application, the appropriate Notice must be submitted.

A courtesy copy of this decision will be mailed to Petitioner.

However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. (Forms enclosed.)

Incorrect and insufficient fees appear to have been submitted by an/the assignee.

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration pursuant 37 C.F.R. §1.378(e) **must** be filed within TWO (2) MONTHS from the mail date of this decision. No extension of this two-month time limit can be granted pursuant to 37 C.F.R. §1.136(a) or (b). This is **not** a final agency action within the meaning of 5 U.S.C. §704.

Patent No. 7,037,107
Application No. 10/251,488

Any petition for reconsideration of this decision **must** be accompanied by the petition fee of \$400.00 as set forth in 37 C.F.R. §1.17(f). The petition for reconsideration **must** include the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A petition to accept the unintentionally delayed payment of a maintenance fee under 35 U.S.C. §41(c) and 37 C.F.R. §1.378(c) **must** be accompanied by: (1) a statement that the delay was unintentional; (2) payment of the appropriate maintenance fee, unless previously submitted; (3) payment of the surcharge set forth in 37 C.F.R. §1.20(i)(2). This petition lacks items 2 and 3 and Petitioner **must** properly review his/her submissions to ensure that any renewed petition satisfies the then-current requirements of items 2 and 3 and the requirements as set forth in 37 C.F.R. §1.17(f).

BACKGROUND

Patent No. 7,037,107 (the '107 patent) issued on 2 May, 2006. The first maintenance fee could have been paid during the period from 2 May, 2009, through midnight 2 November, 2009, or, with a surcharge, during the period from 3 November, 2009, through midnight 2 May, 2010. Accordingly, the patent expired after midnight 2 May, 2010, for failure to pay timely the first maintenance fee.

The instant petition was filed on 22 June, 2010. Because the petition was submitted within twenty-four (24) months after the six (6-) month grace period provided in 37 C.F.R. §1.362(e), the petition was timely filed under the provisions of 37 C.F.R. §1.378(c).

The maintenance fee cannot be accepted—although the petition recites that the fees were to be submitted by credit card, record indicates that the appropriate fees were not submitted and authorization to charge a deposit account for any underpayment was not provided.

The petition pursuant to 37 C.F.R. §1.378(c) is **dismissed**.

Further correspondence with respect to this matter should be addressed as follows:

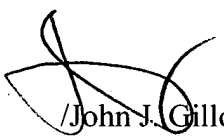
By Mail: Mail Stop PETITION
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Patent No. 7,037,107
Application No. 10/251,488

The centralized facsimile number is (571) 273-8300.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2¹) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

CC
MELANIE L. BROWN
BASF CORPORATION
100 CAMPUS DRIVE
FLORHAM PARK NJ 07932

¹ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
7,037,107	2006-05-02	10/251,488	2002-09-18	

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|---------------------------------|-----|--------|
| <input type="radio"/> 3 ½ year | | (1551) |
| <input type="radio"/> 7 ½ year | | (1552) |
| <input type="radio"/> 11 ½ year | | (1553) |

Small Entity

- | | Fee | Code |
|---|-----|--------|
| <input checked="" type="radio"/> 3 ½ year | | (2551) |
| <input type="radio"/> 7 ½ year | | (2552) |
| <input type="radio"/> 11 ½ year | | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/Lee Cheng/	Date (YYYY-MM-DD)	2011-01-28
Name	Lee Cheng	Registration Number	40949
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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In re Patent No. 7037107 :
Issue Date: May 2, 2006 :
Application No. 10251488 :DECISION GRANTING PETITION
Filed: September 18, 2002 :UNDER 37 CFR 1.378(c)
Attorney Docket No. ZANVIRO-01 :

This is a decision on the electronic petition, filed January 28, 2011, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of January 28, 2011. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.



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Smith Frohwein Tempel Greenlee Blaha, LLC
Two Ravinia Drive, Suite 700
Atlanta, GA 30346

MAILED

OCT 21 2010

OFFICE OF PETITIONS

In re Patent No. 7,173,980 :
Issue Date: February 6, 2007 :
Application No. 10/251,663 :
Filed: September 20, 2002 :
Patentee(s): Wesley K. Masenten, et. al. :

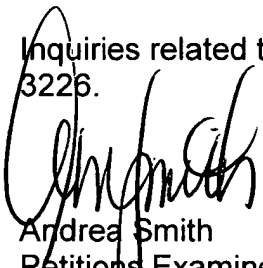
NOTICE

This is a Notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed on September 8, 2010.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**. Therefore, status as a small entity has been removed and any future fee paid must be submitted at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3226.


Andrea Smith
Petitions Examiner
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MAILED

MAR 28 2011

OFFICE OF PETITIONS

FAY KAPLUN & MARCIN, LLP
150 BROADWAY, SUITE 702
NEW YORK, NY 10038

In re Application of :
Li et al. :
Application No. 10/251,723 : **DECISION ON PETITION**
Filed: September 20, 2002 :
Attorney Docket No. 40101/05301 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 8, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before January 18, 2011, as required by the Notice of Allowance and Fee(s) Due mailed October 15, 2010. Accordingly, the application became abandoned on January 20, 2011. A Notice of Abandonment was mailed January 28, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1,510 and the publication fee of \$300, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059.

This application is being referred to the Office of Data Management for processing into a patent.

Alicia Kelley
Petitions Examiner
Office of Petitions



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BUCHANAN, INGERSOLL & ROONEY PC
1737 KING STREET, SUITE 500
ALEXANDRIA, VA 22314

MAILED

MAR 15 2011

OFFICE OF PETITIONS

In re Application of

Yan ARROUYE, et al.

Application No. 10/251,925

Filed: September 20, 2002

Attorney Docket No. **001580-906**

DECISION ON PETITION TO
WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 14, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Teresa S. Rea on behalf of all attorneys of record. Teresa S. Rea has been withdrawn as attorney or agent of record; all other attorneys remain of record.

The correspondence address of record remains unchanged.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions



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**PARK, JONG PETER
1630 SUMMITRIDGE DR.
DIAMOND BAR CA 91705**

MAILED

AUG 27 2010

OFFICE OF PETITIONS

In re Patent No. 6,755,319	:	Paper No. 10
Issue Date: June 29, 2004	:	
Application No. 10/252,162	:	DECISION ON PETITION
Filed: September 23, 2002	:	
Attorney Docket No. 424-18-CON	:	

This is a decision on the petition under 37 CFR 1.378(c), filed May 27, 2010, to accept the delayed payment of a maintenance fee for the above-identified patent.

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration under 37 CFR 1.378(e) must be filed within TWO (2) MONTHS from the mail date of this decision. No extension of this two-month time limit can be granted under 37 CFR 1.136(a) or (b). This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Any petition for reconsideration of this decision must be accompanied by the petition fee of \$400 as set forth in 37 CFR 1.17(f). The petition for reconsideration must include the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

This patent expired at midnight on June 29, 2008, for failure to pay the three and one-half year maintenance fee. Since this petition was submitted within twenty-four months after the six-month grace period provided in 37 CFR 1.362(e), the petition was timely filed under the provisions of 37 CFR 1.378(c).

A petition to accept the unintentionally delayed payment of a maintenance fee under 35 U.S.C. 41(c) and 37 CFR 1.378(c) must be accompanied by: (1) a statement that the delay was unintentional; (2) payment of the appropriate maintenance fee, unless previously submitted; (3) payment of the surcharge set forth in 37 CFR 1.20(i)(2). This petition lacks item (2) above in that the total amount due for small entity is \$2130. Petitioner paid \$2100 for a small entity and \$30 in now due.

Petitioner should note that any renewed petition should include a total payment of \$430 to cover the \$30 balance noted above and the petition fee of \$400 for the renewed petition.


Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries should be directed to Tredelle Jackson at 571-272-2783.


Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

cc: **JONG P. PARK**
 824 WILSHIRE BLVD #300
 LOS ANGELES CA 90017



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JOHN C. SMITH, P.A.
4125 NW 58th LANE
BOCA RATON, FL 33496

MAILED

JAN 31 2011

OFFICE OF PETITIONS

In re Application of
Alex Omar Rodriguez
Application No. 10/252,806
Filed: September 23, 2002
Attorney Docket No. P02048701

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed, December 21, 2010, to change the name of inventor "Alex Rodriquez" to – Alexious Fiero --.

The petition is **DISMISSED**.

The rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require payment of a fee on filing each petition to revive an abandoned application for patent based on unintentional delay or to accept an unintentionally delayed payment of a fee for issuing a patent. In this instance, the fee required by law is \$400. See 37 CFR 1.17(f).

The petition in the above identified application was not accompanied by the entire payment of the required fee. No consideration on the merits can be given that petition until the required fee is received.

A review of the record of the application reveals that the petitioner supplied part of the fee for filing a petition under the provisions of 37 CFR 1.17(f) received December 21, 2010. The petition fee required under CFR 1.17(f) of \$400 and petitioner only paid \$130. An additional \$270 is required to meet the fee requirements of this petition. If petitioner intends to submit a renewed petition the remaining balance of \$270 must be submitted along with the renewed petition.

The issue fee in this application was paid on June 28, 2010. Effective May 29, 2000, the Office changed the practice by clarifying that an amendment under 37 CFR 1.312 (after allowance) must be filed prior to or with payment of the issue fee, and eliminated 37 CFR 1.312(b). Since a change to the inventor's name is an amendment to the application, and amendments are not permitted after payment of the issue fee, a petition under 37 CFR 1.182 to change the inventor's name cannot be granted.

Nevertheless, the petition may still be granted if a renewed petition under 37 CFR 1.182, along with a request for a certificate of correction and fee of \$100, are submitted.

In view of the above, the petition under § 1.182 cannot be granted at this time to change the inventor's name.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: Customer Service Window
 Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By fax: (571) 273-8300
 ATTN: Office of Petitions

Any questions concerning this matter may be directed to April M. Wise at (571) 272-1642.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions



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JOHN C. SMITH, P.A.
4125 NW 58th LANE
BOCA RATON FL 33496

MAILED

MAR 28 2011

OFFICE OF PETITIONS

In re Patent No. 7,865,498	:	
Issue Date: January 4, 2011	:	
Application No. 10/252,806	:	DECISION ON PETITION
Filed: September 23, 2002	:	
Attorney Docket No. P02048701	:	

This is a decision on the renewed petition under 37 CFR 1.182 filed March 7, 2011 to correct the name of the inventor and the petition under 37 CFR 1.59(b) to expunge information from the application filed on the same date.

The petition under 37 CFR 1.182 is granted.


The petition under 37 CFR 1.59(b) is dismissed.

Petitioner requests that previously submitted copies of the court order granting petitioner's name change and any copies of the new birth certificate be expunged from the record.

The petition is deficient because the petition was filed after issuance of the above identified application. The petition was filed March 7, 2011 and the application issued as a patent on January 4, 2011. Petitions to expunge filed under 37 CFR 1.59 cannot be granted in a patented file.

The file is being forwarded to Certificates of Correction Branch for issuance of a certificate with the proper spelling of applicant's name as "Alexious Fiero".

Telephone inquiries concerning this communication should be directed to Carl Friedman at (571) 272-6842.


Carl Friedman
Petitions Examiner
Office of Petitions



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/253,410	09/24/2002	Cindy L. Twomey	NSHC-P001	7050

40418	7590	10/22/2010
HEIMLICH LAW 5952 DIAL WAY SAN JOSE, CA 95129		

EXAMINER	
DOAN, ROBYN KIEU	

ART UNIT	PAPER NUMBER
3732	

NOTIFICATION DATE	DELIVERY MODE
10/22/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

alanheimlich@heimlichlaw.com
sroberts@peloquinlaw.com



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HEIMLICH LAW
5952 DIAL WAY
SAN JOSE CA 95129

In re Application of:
TWOMEY, CINDY L. et al
Serial No.: 10/253,410
Filed: Sep. 24, 2002
Docket: NSHC-P001

Title: MAGNETICALLY ENHANCED HAIR
 CLIP

DECISION ON RENEWED
PETITION

This is a decision on the petition filed on October 15, 2010 by which petitioner requests consideration of the previously submitted May 15, 2009 communication and review of the Advisory Action of August 20, 2008 on this abandoned application. The delay in responding to the request is regretted. This petition is considered pursuant to 37 CFR § 1.181. No fee is required.

The petition is dismissed.

Relevant Prosecution History

1. In the final rejection of June 1, 2005, with claims 1-38 pending the examiner rejected all claims 1-38 under various grounds of 35 USC 103.
2. On Dec. 1, 2005, the applicant filed an RCE with additional arguments without any claim amendment.
3. After entry of the RCE, on January 25, 2006, the examiner issued a non-final rejection of claims by maintaining the previous rejection of unamended claims.
4. Due to crossed mail, on August 4, 2006, the examiner prematurely mailed an abandonment letter because the applicant timely filed a full response to the outstanding non-final rejection by filing a notice of appeal with three-month extension of time on August 8, 2006. The transmittal letter of the Notice of Appeal clearly includes a signed Certificate of Transmission/Mailing showing a date of July 25, 2006. The Notice of Appeal was a full reply of the outstanding non-final Office action of January 25, 2006 in accordance with 37 CFR § 1.112 because all of the

rejected claims were twice rejected. The applicant has an absolute right to file an appeal for claims twice rejected under 35 U.S.C. §134 and 37 § CFR 41.31(a).

5. Prior to filing of an Appeal Brief, On October 10, 2006, the applicant filed an amendment to the claims under MPEP §1206.

6. Without timely filing an Appeal Brief, on December 20, 2007 and February 19, 2008, the applicant filed two requests for rescission of abandonment letter of August 4, 2006. In both requests, the applicant has correctly acknowledged that a timely filed Notice of Appeal in reply of the Office action of January 25, 2006 was filed.

7. In response to the applicant's requests of rescission of abandonment letter of August 4, 2006, the examiner issued an Advisory Action informing the applicant the October 10, 2006 amendment filed under MPEP §1206 will not be entered for appeal purpose because the added limitations "substantially planar" to the independent claims 1, 22, 34 and 35 require further consideration and search.

8. On February 20, 2008, the applicant filed a request for rescission of the Advisory Action of February 20, 2008 because the application is not under a final rejection.

9. On August 20, 2008, the applicant filed a request for an Office action for the amendment filed on February 20, 2008 under MPEP § 1206.

10. In response to the requests of February 20, 2008 and August 20, 2008, the examiner on October 21, 2008 mailed an abandonment letter to the applicant explaining why the application became abandoned in accordance with MPEP §1215.04. In particular, the case became abandoned as of October 9, 2006 for failure to file or perfect the appeal in accordance with the notice of appeal filed on August 8, 2006. By filing the Notice of Appeal of August 8, 2006, the prosecution was closed by the applicant. Applicant is noticed that once the notice of appeal is filed on August 8, 2006 for twice rejected claims (non-final rejection of January 25, 2006), the prosecution was closed by applicant's action. The notice of appeal was a complete response to the non-final rejection mailed January 25, 2006 and was further acknowledged by the applicant's letters of December 20, 2007 and February 19, 2008. In the letters, the applicant unequivocally stated that "Applicant timely filed a notice of appeal in reply to the office action mailed on 01/25/2006". According to 37 CFR §1.112, the applicant can either file an amendment under 1.111 or appeal the application under 47 CFR § 41.31. The Notice of Appeal was accepted as a full response to the non-final Office action of January 25, 2006. Any amendment filed after the Notice of Appeal will be treated as amendment under 37 CFR §41.33, §1.116 and MPEP §1206.

11. On May 15, 2009 and August 8, 2009, requests for consideration of August 20, 2008 letter requesting rescission of the Advisory Action of February 20, 2008 were filed.

12. On October 15, 2010, the current petition was filed which petitioner requests consideration of the previously submitted May 15 2009 communication and review of the Advisory Action of August 20, 2008.

Petitioner's Arguments

In the present petition, petitioner, in essence, argues that the issuance of the Advisory Action of February 20, 2008 was improper because the application was not under final rejection. Therefore, the subsequent holding of abandonment also was improper. The examiner must enter the amendment filed on October 10, 2006 as a Rule 1.111 amendment. The applicant is entitled to an Office action to the amendment of October 10, 2006.

Applicable Rules and Regulations

37 CFR § 1.112 Reconsideration before final action.

After reply by applicant or patent owner (§ 1.111 or § 1.945) to a non-final action and any comments by an *inter partes* reexamination requester (§ 1.947), the application or the patent under reexamination will be reconsidered and again examined. The applicant, or in the case of a reexamination proceeding the patent owner and any third party requester, will be notified if claims are rejected, objections or requirements made, or decisions favorable to patentability are made, in the same manner as after the first examination (§ 1.104). Applicant or patent owner may reply to such Office action in the same manner provided in § 1.111 or § 1.945, with or without amendment, unless such Office action indicates that it is made final (§ 1.113) **or an** appeal (§ 41.31 of this title) has been taken (§ 1.116), or in an *inter partes* reexamination, that it is an action closing prosecution (§ 1.949) or a right of appeal notice (§ 1.953). [**Emphasis added.**]

Relevant portion of MPEP §1206 [R-8]

Amendments and Affidavits or Other Evidence Filed With or After Appeal 37 CFR 41.33. Amendments and affidavits or other evidence after appeal. (a) Amendments filed after the date of filing an appeal pursuant to § 41.31(a) (1) through (a) (3) and prior to the date a brief is filed pursuant to § 41.37 may be admitted as provided in § 1.116 of this title. (b) Amendments filed on or after the date of filing a brief pursuant to § 41.37 may be admitted: (1) To cancel claims, where such cancellation does not affect the scope of any other pending claim in the proceeding, or (2) To rewrite dependent claims into independent form. (c) All other amendments filed after the date of filing an appeal pursuant to § 41.31(a)(1) through (a)(3) will not be admitted except as permitted by §§ 41.39(b)(1), 41.50(a)(2)(i), 41.50(b)(1) and 41.50(c)

Discussion and Analysis

A review of the record shows that in response to the non-final Office action of January 25, 2006, the applicant has chosen to file a Notice of Appeal (under 37 CFR § 41.31) instead of filing a Rule 111 amendment since the claims were twice rejected. Therefore, the Notice of Appeal of August 8, 2006 was accepted in accordance with 37 CFR § 1.112. Prior to the filing of an Appeal Brief, the amendment of October 10, 2006 was filed. The examiner treated this amendment as filed under 37 CFR § 41.33, §1.116 and MPEP §1206. Subsequently, the examiner issued the Advisory Action of February 20, 2008. There is no impropriety found here.

Petitioner argues that the examiner must issue an Office action to the amendment filed after the appeal because the application was not under final rejection. This line of arguments is not persuasive in view of 37 CFR §1.112. When the applicant filed the Notice of Appeal on August 8, 2006 for twice rejected claims, the applicant cannot further prosecute the application because the Notice of Appeal was a complete response to the non-final rejection of January 25, 2006 and also repeatedly acknowledged by the applicant in the letters of December 20, 2007 and February 19, 2008. The applicant simply cannot file a Notice of Appeal and subsequently file a Rule 1.111 amendment because the application is not under the final rejection. The applicant can only file an amendment under Rule 1.111 or appeal (**not both**). It is clear from 37 CFR § 1.112 that an applicant has the option of filing a response to a non-final Office action in the way of a request for reconsideration, with or without amendment, or file an appeal. The regulation does not permit both. Since the applicant has chosen to file a Notice of Appeal on August 8, 2006 and later failed to file an Appeal Brief in accordance with the Notice of Appeal, the application was abandoned on October 9, 2006. Under the circumstances, the examiner's issuance of the Advisory Action of February 20, 2008 and subsequent holding the abandonment were proper in accordance with MPEP §1215.04. The requested relief to rescind the Advisory Action of February 20, 2008 will not be granted.


Conclusion

As the actions of the examiner are neither arbitrary nor capricious, or amount to an abuse of discretion, there appears to be no basis for granting any of the relief requested under 37 CFR 1.181. The examiner's issuance of the Advisory Action of February 20, 2008 appears appropriate. Subsequently, the Notice of Abandonment mailed on October 21, 2008 is proper for failure to file an Appeal Brief in accordance with MPEP §1215.04. This application remains in abandoned status.

Petitioner is entitled to request reconsideration of this decision provided that the request for reconsideration is filed within two months of the date of this decision, 37 CFR § 1.181(f). No extensions of time under 37 CFR § 1.136(a) is permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR § 1.181." Alternatively, petitioner may wish to consider filing a petition to revive under 37 CFR § 1.137 for reinstatement of appeal. The applicable rules and MPEP sections cited may be found on the USPTO website at www.uspto.gov.

Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner, at 571-272-4856.

PETITION DISMISSED.



Donald T. Hajec, Director
Technology Center 3700



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SAN FRANCISCO, CA 94111-3834

MAILED

OCT 01 2010

OFFICE OF PETITIONS

Patent No. 7,674,258 :
Application No. 10/255,025 :
Filed: September 24, 2002 : NOTICE
Issued: March 9, 2010 :
Attorney Docket No. 021063-002800US :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-6059.

Alicia Kelley
Petitions Examiner
Office of Petitions



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K&L Gates LLP
P.O. Box 1135
CHICAGO IL 60690

MAILED
MAY 16 2011
OFFICE OF PETITIONS

In re Patent No. 7,901,291 : DECISION ON REQUEST FOR
Issued: March 8, 2011 : RECONSIDERATION OF PATENT
Application No. 10/255,380 : TERM ADJUSTMENT AND
Filed: September 26, 2002 : NOTICE OF INTENT TO ISSUE
Atty Docket No. 3718611.00950 : CERTIFICATE OF CORRECTION.

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(d)," filed April 18, 2011. Patentee requests that the patent term adjustment for the above-identified patent be set at 1,823 days.

The request for reconsideration of the patent term adjustment indicated in the patent is **GRANTED**.

The patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of **1,823 days**.

On March 8, 2011, Application No. 10/255,380 matured into Patent No. 7,901,291. The instant request for reconsideration filed April 18, 2011, was timely filed within two (2) months of the date the patent issued. See 37 CFR 1.705(d). Patentees dispute the reduction of 120 days associated with the filing of a "miscellaneous incoming letter" received in the Office on June 3, 2010. Patentee asserts that the paper filed on June 3, 2010, was a Letter of Candor and Good Faith, and therefore, no reduction is warranted under 37 CFR 1.704(c)(10).

A review of the PALM calculations for this application reveals that the patent term adjustment was reduced by 120 days for the submission of the "miscellaneous incoming letter." See 37 CFR 1.704(c)(10). However, a review of the application record confirms that no paper aside from the Letter of Candor and Good Faith was filed after the mailing of the notice of allowance. A

Letter of Candor and Good faith is not a paper for which its filing is considered a "failure to engage in reasonable efforts" within the meaning of 37 CFR 1.704(c)(10). Thus, it is concluded that the reduction of 120 days is not warranted.

In view thereof, the patent term adjustment indicated in the patent should be **1,823 days**.

The Office is in receipt of the \$200. 00 for the fee set forth in 37 CFR 1.18(e). No additional fees are required.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentee is given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The application is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by one thousand, eight hundred and twenty-three (1,823) days.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

DRAFT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,901,291 B2

DATED : Mar. 8, 2011

INVENTOR(S) : Hecht et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (1703) days

Delete the phrase "by 1703 days" and insert -- by 1823 days--

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
7074425	2006-07-11	10255451	2002-09-26	BONE 0002-US

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|---------------------------------|-----|--------|
| <input type="radio"/> 3 ½ year | | (1551) |
| <input type="radio"/> 7 ½ year | | (1552) |
| <input type="radio"/> 11 ½ year | | (1553) |

Small Entity

- | | Fee | Code |
|---|-----|--------|
| <input checked="" type="radio"/> 3 ½ year | | (2551) |
| <input type="radio"/> 7 ½ year | | (2552) |
| <input type="radio"/> 11 ½ year | | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/William D. Schmidt/	Date (YYYY-MM-DD)	2011-07-18
Name	William D. Schmidt	Registration Number	39492
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Patent No. 7074425 :
Issue Date: July 11, 2006 :
Application No. 10255451 :DECISION GRANTING PETITION
Filed: September 26, 2002 :UNDER 37 CFR 1.378(c)
Attorney Docket No. 13435 :

This is a decision on the electronic petition, filed July 18, 2011, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of July 18, 2011. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.



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WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON MA 02210-2206

MAILED

DEC 16 2010

OFFICE OF PETITIONS

In re Application of	:	
Tuschl et al.	:	
Application No. 10/255,568	:	DECISION ON PETITION
Filed: September 26, 2002	:	TO WITHDRAW FROM RECORD
Attorney Docket No. W0571.70010US03	:	
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 28, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by Helen C. Lockhart, on behalf of all attorneys of record who are associated with Customer Number 23628.

All attorneys/agents associated with the Customer Number 23628 have been withdrawn. Currently, Robert B. Murray Reg. No. 22,980, Nancy Linck Reg. No. 31,920, and Monica Kitts Reg. 36,105 are the attorneys of record in the above-identified application.

All future correspondence will be directed to the assignee at the address indicated below.

In order to assure that all interests are properly and effectively represented, further correspondence to the United States Patent and Trademark Office (USPTO) in this application - or resultant patent-- must be signed by both: (1) a registered practitioner representing Max- Planck; and (2) a registered practitioner representing the interests of the other co-assignees. Any counsel when signing subsequent papers must indicate whom he or she represents.

Since there is no agreement between the parties as to the correspondence address, the correspondence address for this application will be with the successors of Wolf Greenfield & Sacks, P.C, which is White Institute for Biomedical Research. Also, the successors of Wolf Greenfield & Sacks, P.C will be responsible for coordinating replies or submissions to the USPTO, unless the parties otherwise agree after the mailing date of this decision. In the event that the parties agree on a different correspondence address, a change of correspondence address, signed as discussed above, should be filed.

All parties are reminded that dual correspondence is not permitted, and will not be undertaken by the USPTO.

Currently, a Notice of Appeal was filed March 2, 2010 in the above-identified application.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.



Alicia Kelley
Petitions Examiner
Office of Petitions

cc: WHITE INSTITUTE FOR BIOMEDICAL RESEARCH
9 CAMBRIDGE CENTER, ROOM 111
CAMBRIDGE, MA 02142



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/255,568	09/26/2002	Thomas Tuschl	W0571.70010US03

23628
WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

CONFIRMATION NO. 2920
POWER OF ATTORNEY NOTICE



Date Mailed: 12/15/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/28/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/atkelley/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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K&L Gates LLP
P.O. Box 1135
CHICAGO IL 60690

MAILED

APR 29 2011

OFFICE OF PETITIONS

In re Patent No. 7,901,287 : DECISION ON REQUEST
Simms et al. : FOR
Issue Date: 03/08/2011 : RECONSIDERATION OF
Application No. 10/255,862 : PATENT TERM ADJUSTMENT
Filed: 09/26/2002 : and
Atty Docket No. : NOTICE OF INTENT TO ISSUE
3718611-00949 : CERTIFICATE OF CORRECTION

This is a decision on the petition filed on April 18, 2011, under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by one thousand three hundred twenty-four (1324) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by one thousand three hundred twenty-four (1324) days is **GRANTED**.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The Office thanks patentees for their good faith and candor in bringing this to the attention of the Office.

The application is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **one thousand three hundred twenty-four (1324) days**.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,901,287 B2

DATED : Mar. 8, 2011

DRAFT

INVENTOR(S) : Simms et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 1290 days.

Delete the phrase “by 1290 days” and insert – by 1324 days--



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

MAILED

MAY 23 2011

OFFICE OF PETITIONS

NOTICE

In re Application of
Seung-Eui Jin et al.
Application No. 10/256,000
Patent No. 7,274,700
Filed: September 26, 2002
Attorney Docket No. **2013P055**

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 May 09, 2011.

The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **NOT ACCEPTED**.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

It appears that the petition was not properly signed by a person having authority to prosecute in the above-identified patent. Therefore, the request can not be accepted at this time.

Petitioner's attention is directed to 37 CFR 1.33(b), which states.

(b) Amendments and other papers. Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:

(1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);

- (2) A registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34;
- (3) An assignee as provided for under §3.71(b) of this chapter; or
- (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

Accordingly, the request cannot be accepted until it is signed by all inventors, an attorney /agent who is registered to practice before the U.S. Patent and Trademark Office, or the assignee of the entire interest. If the request is signed by an assignee, the assignee the assignee must comply with the requirements of 37 CFR 3.73(b).

Inquiries related to this communication should be directed to the undersigned at (571) 272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **ACACIA RESEARCH GROUP LLC**
500 NEWPORT CENTER DRIVE
7TH FLOOR
NEWPORT BEACH CA 92660



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JOHN CROSBY
REGISTERED PATENT AGENT
2533 LENA COURT
MINDEN, NV 89423

MAILED

JUN 22 2011

OFFICE OF PETITIONS

In re Application of
Douglas L. Boehner
Application No. 10/256,040
Filed: September 25, 2002
Attorney Docket No.: SPORT-002

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ON PETITION

This is a decision in response to the communication filed June 6, 2011, which is being treated as a petition to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is not signed by a registered practitioner of record. However, in accordance with 37 CFR 1.34(a), the signature of Michael B. McNeil appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts. A courtesy copy of this decision is being mailed to petitioner; however, if petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. Unless otherwise directed, all future correspondence regarding this application file will be directed solely to the address of record.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(III)(C) and (D).

It is noted that a terminal disclaimer and fee are not required in this case. Petitioner has supplied the petition fee, a reply in the form of the drawings and the requisite publication fee; however, the petition lacks an adequate statement of unintentional delay. See item (3) above.

Accordingly, the petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under

37 CFR 1.137(b)” and include the omitted item(s). This is **not** a final agency action within the meaning of 5 U.S.C. § 704. Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: Customer Service Window
 Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By fax: (571) 273-8300
 ATTN: Office of Petitions

By internet: EFS-Web¹

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: MARK D. FOODMAN
 WATSON ROUNDS
 5371 KIETZKE LANE
 RENO, NV 89511-1448

¹ www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)



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WATSON & ROUNDS
5371 KIETZKE LANE
RENO, NV 89511

MAILED

JUL 22 2011

OFFICE OF PETITIONS

In re Application of
Douglas L. Boehner
Application No. 10/256,040
Filed: September 25, 2001
Attorney Docket No.: 5644.01

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ON PETITION

This is a decision on the renewed petition, filed July 8, 2011, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

A review of the record discloses that the above-identified application became abandoned for failure to respond in a timely manner to the Notice of Allowance/Allowability mailed June 10, 2010, which set a statutory period for reply of three (3) months. On June 6, 2011, a petition under 37 CFR 1.137(b) was filed; however, the petition was dismissed in a decision mailed June 22, 2011. In response, on July 8, 2011, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the issue fee of \$755, publication fee of \$300 and corrected drawings; (2) the petition fee of \$810; and (3) an adequate statement of unintentional delay.

The application is being referred to the Office of Data Management to oversee the review of the drawing filed June 6, 2011 and for further processing as a patent.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing as a patent should be directed to (571) 272-4200.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
7131236	2006-11-07	10256239	2002-09-27	TVI01 020

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|-----------------------|-----------|--------|
| <input type="radio"/> | 3 ½ year | (1551) |
| <input type="radio"/> | 7 ½ year | (1552) |
| <input type="radio"/> | 11 ½ year | (1553) |

Small Entity

- | | Fee | Code |
|----------------------------------|-----------|--------|
| <input checked="" type="radio"/> | 3 ½ year | (2551) |
| <input type="radio"/> | 7 ½ year | (2552) |
| <input type="radio"/> | 11 ½ year | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/Mark C. Comtois/	Date (YYYY-MM-DD)	2011-01-12
Name	Mark C. Comtois	Registration Number	46285
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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P.O. Box 1450
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In re Patent No.	7131236	:
Issue Date:	November 7, 2006	:
Application No.	10256239	:DECISION GRANTING PETITION
Filed:	September 27, 2002	:UNDER 37 CFR 1.378(c)
Attorney Docket No.	04350.0018	:

This is a decision on the electronic petition, filed January 12, 2011, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of January 12, 2011. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.



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BAKER BOTTS L.L.P.
30 ROCKEFELLER PLAZA
44th Floor
NEW YORK NY 10112-4498

MAILED

DEC 13 2011

OFFICE OF PETITIONS

In re Patent No. 7,273,889
Issue Date: September 25, 2007
Application No. 10/256,283
Filed: September 25, 2002
Attorney Docket No. 077350.0159

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed December 1, 2011.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Attorney Advisor
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 4/19/2011 Paper No.: _____
 TO SPE OF : ART UNIT 2625
 SUBJECT : Request for Certificate of Correction for Appl. No.: 10/256425 Patent No.: 7859727B2
 CofC mailroom date: 4/12/2011

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Virginia Tolbert
Certificates of Correction Branch
571-272-0460

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

Mark J. [Signature]
SPE

2625
Art Unit



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IBM CORPORATION
LOTUS SOFTWARE
ONE ROGERS STREET
CAMBRIDGE MA 02142

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FEB 14 2012
OFFICE OF PETITIONS

In re Application of
Paul, et al.
Application No. 10/256,613
Filed: September 26, 2002
Atty. Dkt. No.: CAM920105001US2_8150-
0113

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/256,712	09/27/2002	Bhashyam Ramesh	10886	4902
26890	7590	01/19/2011		
JAMES M. STOVER TERADATA CORPORATION 10000 INNOVATION DRIVE DAYTON, OH 45342			EXAMINER WU, YICUN	
			ART UNIT 2165	PAPER NUMBER
			MAIL DATE 01/19/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

In re Patent No. RAMESH ET AL.

Issue Date: April 10, 2007

Appl No.: 10/256,712

Filed: September 27, 2002

For: SYSTEM AND METHOD FOR RETRIEVING
INFORMATION FROM A DATABASE

:
:
: **DECISION GRANTING**
: **PETITION**
: **37 CFR 1.324**
:
:
:
:

This is a decision on the petition filed August 24, 2007 to correct inventorship under 37 CFR 1.324.

The petition is granted.

Under 37 CFR 1.324(b)(3), a statement is required from the assignee of the patent agreeing to the change of inventorship in the patent. The petition lacks such a statement. In view of expediting the approval of this correction of inventorship and issuing a Certification of Correction, the undersigned is assuming the assignee "NCR Corporation" was agreed to such change of inventorship as submitted in the petition.

The patented file is being forwarded to Certificate of Corrections Branch for issuance of a certificate naming only the actual inventor or inventors.

/Vincent N. Trans/

Vincent N. Trans

SPRE/QAS

Technology Center 2100

JAMES M. STOVER
TERADATA CORPORATION
10000 INNOVATION DRIVE
DAYTON, OH 45342

2 AUG 2010



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DANN, DORFMAN, HERRELL & SKILLMAN
1601 MARKET STREET
SUITE 2400
PHILADELPHIA PA 19103-2307

In re Application of	:	
LEADLAY et al.	:	
Application No.: 10/257,549	:	
PCT No.: PCT/GB01/01743	:	DECISION
Int. Filing Date: 17 April 2001	:	
Priority Date: 13 April 2000	:	
Attorney's Docket No.: 0380-P03008US0	:	
For: HYBRID GLYCOSULATED PRODUCTS AND	:	
THEIR PRODUCTION AND USE	:	

This decision is in response to applicants' request for reconsideration filed 04 April 2008.

BACKGROUND

On 17 April 2001, applicant filed international application PCT/GB01/01743, which designated the United States and claimed a priority date of 13 April 2000. A copy of the international application was communicated to the USPTO from the International Bureau on 25 October 2001. The thirty-month period for paying the basic national fee in the United States expired at midnight on 15 October 2002 (13 October 2002 being a Sunday and 14 October 2002 being a Federal holiday).

On 15 October 2002, applicant filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 27 May 2003, the United States Designated/Elected Office (DO/EO/US) mailed a NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 (Form PCT/DO/EO/903) indicating the 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date as 25 March 2003.

On 27 May 2003, the DO/EO/US also mailed a Filing Receipt.

On 12 July 2006, an Office action was mailed. The period set for reply was three months extendable to six months.

On 12 January 2007, at midnight, the application became abandoned for failure to timely file a proper reply to the Office action mailed 12 July 2006.

On 25 January 2007, applicant submitted a petition under 37 CFR 1.182 requesting that the accompanying amendment stating that the above-identified international application is a "continuation-in-part of U.S. Patent Application No. 09/694,218 filed October 23, 2000" be entered.

On 29 February 2008, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.182.

On 04 April 2008, applicants filed the instant request for reconsideration.

DISCUSSION

Upon reconsideration, it has been determined that the entry of the amendment filed 25 January 2007 indicating that the international application is a CIP of 09/694,218 is proper.

CONCLUSION

For the reasons set forth above, applicants' petition under 37 CFR 1.182 is **GRANTED**.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This matter is being referred to the examiner of Technology Center Art Unit 1656 for appropriate action, if any, on the amendment filed 25 January 2007.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301



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SEYFARTH SHAW LLP
131 S. DEARBORN ST., SUITE 2400
CHICAGO IL 60603-5803

MAILED

SEP 30 2010

OFFICE OF PETITIONS

In re Patent No. 7,066,224
Issue Date: June 27, 2006
Application No. 10/257,852
Filed: January 16, 2003
Attorney Docket No. **TJK/276**

ON PETITION

This is a decision on the petition under 37 CFR 1.378(c), filed August 12, 2010, to accept the unintentionally delayed payment of a maintenance fee for the above-identified patent.

This patent expired at midnight June 27, 2010, for failure to pay the 3½ year maintenance fee. Since this petition was submitted within twenty-four months after the six-month grace period provided in 37 CFR 1.362(e), the petition was timely filed under the provisions of 37 CFR 1.378(c).

The petition is **GRANTED**.

The maintenance fee is hereby accepted and the above-identified patent is reinstated as of the mail date of this decision.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that the delay in paying the maintenance fee under 37 CFR 1.378(c) was intentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to be acknowledged as the attorney of record in this application, the appropriate power of attorney documents must be submitted.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions



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**MICHAEL A KAUFMAN
DORSEY & WHITNEY
SUITE 3400
FOUR EMBARCADERO CENTER
SAN FRANCISCO, CA 94111-4187**

MAILED

AUG 16 2010

In re Application of
Kowalczyk et al.
Application No. 10/257,929
Filed: April 15, 2003
Attorney Docket No. A-71835/DJB/MAK

:
:
:
:
:

OFFICE OF PETITIONS

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 9, 2010, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to timely file a reply to the Non-final Office action, mailed May 4, 2007. The Office action set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on August 5, 2007. A Notice of Abandonment was mailed November 20, 2007.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

The petition lacks item (1), the required reply. The petitioner did not submit a reply in accordance with 37 CFR 1.111. Accordingly, this application cannot be revived until a submission under 37 CFR 1.111 has been filed.

Petitioner should note that the Change of Correspondence Address filed July 15, 2010, cannot be accepted since power of attorney was not properly appointed. According to MPEP 402: Powers of attorney naming firms of attorneys or agents filed in patent applications will not be recognized. Furthermore, a power of attorney that names more than ten patent practitioners will only be entered if Customer Number practice is used or if such power of attorney is accompanied by a separate paper indicating which ten patent practitioners named in the power of attorney are to be recognized by the Office as being of record in the application or patent to which the power of attorney is directed. If a power of attorney is not entered because more than ten patent practitioners were named, a copy of the power of attorney should be refiled with the separate paper as set forth in 37 CFR 1.32(c)(3). A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

Further correspondence with respect to this matter should be addressed as follows:

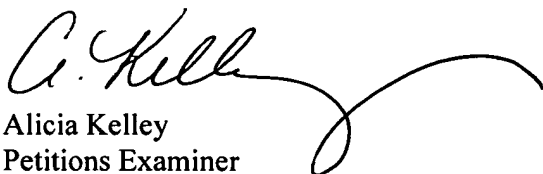
By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By Hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By Internet: EFS-Web¹

By Facsimile: (571) 273-8300

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059.



Alicia Kelley
Petitions Examiner
Office of Petitions

cc: EDWARD N. BACHAND
DORSEY AND WHITNEY LLP
701 FIFTH AVENUE, SUITE 6100
SEATTLE, WA 98104-7043

¹ www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)



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NOV 24 2010

OFFICE OF PETITIONS

**NIXON PEABODY, LLP
300 S. RIVERSIDE PLAZA, 16TH FLOOR
CHICAGO, IL 60606-6613**

In re Application of :
Kowalczyk et al. :
Application No. 10/257,929 : **DECISION ON PETITION**
Filed: April 15, 2003 :
Attorney Docket No. 743414-000025USPX :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed October 6, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply to the Non-final Office action, mailed May 4, 2007. The Office action set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on August 5, 2007. A Notice of Abandonment was mailed November 20, 2007.

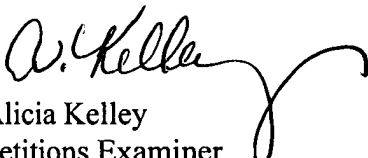
The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1,620, and (3) an adequate statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Petitioner should note that the RCE submitted with the petition is improper since prosecution in the above-identified application is not closed. However, the application will be forwarded to the examiner for consideration of the amendment received October 6, 2010.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059.

This matter is being referred to Technology Center AU 2624.


Alicia Kelley
Petitions Examiner
Office of Petitions

cc: EDWARD N. BACHAND
DORSEY AND WHITNEY LLP
701 FIFTH AVENUE, SUITE 6100
SEATTLE, WA 98104-7043



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Paper No.

NIXON PEABODY, LLP
300 S. Riverside Plaza, 16th Floor
CHICAGO IL 60606-6613

MAILED

DEC 30 2011

OFFICE OF PETITIONS

In re Patent No. 8,005,293 :
Kowalczyk et al. :
Issue Date: August 23, 2011 :
Application No. 10/257,929 : ON PETITION
Filed: April 15, 2003 :
Attorney Docket No. 743414- :
000025USPX :

This is in response to the PETITION UNDER 37 C.F.R. 3.81 AND REQUEST FOR CERTIFICATE OF CORRECTION PURSUANT TO 37 C.F.R. 1.323 filed December 14, 2011, which is properly treated as a request to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Pursuant to the issue fee transmittal filed July 12, 2011, the patent issued in the name of assignee "Telestra New Wave Pty Ltd." Patentee files this request, requesting that the name of the assignee be corrected to "Telstra Corporation Limited" and submits a certificate of correction for this purpose.

Patentee's evidence and Office records show that the assignment of the above-identified application to "Telstra Corporation Limited" was recorded on June 21, 2006. The recording of the assignment (Reel/Frame 017811/0897) occurred before issuance of the patent on August 23, 2011.

Receipt of the required \$100 certificate of correction fee and the required \$130 processing fee is acknowledged.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3219. Inquiries regarding the

issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch has been notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction to correct the Assignee data.

A handwritten signature in black ink, appearing to read "Nancy Johnson", with a stylized, flowing script.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE
COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, VA 22313-1450

December 9, 2010

Patent No.: 7,473,244 B2
Applicant : A. Bruno Frazier
Issued : January 6, 2009
For : **ACTIVE NEEDLE DEVICES WITH INTEGRATED FUNCTIONALITY**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a superseding certificate of correction for the above-identified patent under the provisions of Rule 1.322.

Respecting the alleged errors listed on transmittal letter and PTO/SB/44 form submitted with request for superseding certificate of correction dated September 7, 2010, comparison of the corrections listed on the Certificate of Correction issued May 26, 2009 with the corresponding corrections listed on the transmittal letter and PTO/SB44 (1050) form submitted April 20, 2009 reveals that there is no discrepancy. All the corrections printed in the Certificate of Correction issued May 26, 2009 are accurate. No further action will be taken in this matter.

Additionally, the certificate of correction issued July 20, 2010 is also accurate. The request for certificate of correction filed June 17, 2010 inserted the Related U.S. Application Data, Provisional application No. 60/208,868, filed on 06/02/2000. The certificate of correction issued July 20, 2010 consisted of the correct information.

In view of the foregoing, your request for certificate of correction is hereby denied.

Further correspondence concerning this matter should be filed and directed to Decisions and Certificates of Correction Branch.

Decisions and Certificates of Correction
Antonio Johnson
(571)272-0483

Workman Nydegger
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City UT 84111



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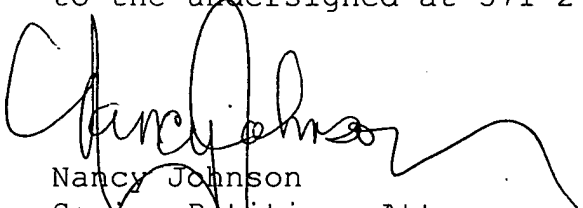
In re Application of	:	
Kalifa et al.	:	
Application No. 10/258,220	:	LETTER REGARDING
Filed: June 24, 2003	:	CHANGE OF ENTITY STATUS
Atty Docket No. 10/258,220	:	

This is in response to the CHANGE OF ENTITY STATUS PURSUANT TO C.F.R. § 1.27(g)(2) filed September 29, 2010, notifying the Office of entitlement to small entity status.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your notification of entitlement to small entity status is made of record.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3219.


Nancy Johnson
Senior Petitions Attorney
Office of Petitions



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SUGHRUE-265550
2100 PENNSYLVANIA AVE. NW
WASHINGTON DC 20037-3213

MAILED
DEC 09 2011
OFFICE OF PETITIONS

In re Application of :
Maeda, et al. : DECISION ON PETITION
Application No. 10/258,449 :
Filed: October 24, 2002 :
Atty. Dkt. No.: Q72503 :

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application and the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed November 16, 2011.

DECISION UNDER 37 CFR 1.137(b)

In view of the petition under 37 CFR 1.181, the above-identified petition under 37 CFR 1.137(b) is DISMISSED as inappropriately filed.

A refund of the petition fee will issue in due course.

DECISION UNDER 37 CFR 1.181

Notice of Abandonment was mailed November 4, 2011. However, review of the record reveals that in view of the decision mailed August 8, 2011, the application was directed back to the examiner for the mailing of an Office action. In view thereof, the holding of abandonment is hereby WITHDRAWN and the Notice of Abandonment is VACATED.

In view thereof, the petition under 37 CFR 1.181 is hereby GRANTED.

The application file is being forwarded to Group Art Unit 1628 for action consistent with the decision mailed August 8, 2011.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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**FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007**

MAILED

SEP 30 2010

OFFICE OF PETITIONS

In re Patent No. 6,857,472 :
Issue Date: February 22, 2005 :
Application No. 10/258,595 :
Filed: November 4, 2002 :
Attorney Docket No. 016862-0146 :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 on July 19, 2010.

The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions



28 SEP 2010

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PEPPER HAMILTON LLP
ONE MELLON CENTER, 50TH FLOOR
500 GRANT STREET
PITTSBURGH PA 15219

In re Application of KAESEMEYER
Application No.: 10/258,633
Filing Date: 24 October 2002
Attorney Docket No.: 126625.00710
For: CONTROLLED RELEASE ARGININE
FORMULATIONS

:
: DECISION ON PETITION
:
: UNDER 37 CFR 1.78(a)(3)
:

This is a decision on applicant's request for reconsideration of petition under 37 CFR 1.78(a)(3), filed 08 February 2010 to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to the nonprovisional application identified in the concurrently filed amendment to the specification. The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The instant petition does not comply with item (1).

MPEP 201.11, Section III. C., states in relevant part,

Sometimes a pending application is one of a series of applications wherein the pending application is not copending with the first filed application but is copending with an intermediate application entitled to the benefit of the filing date of the first application... Appropriate references must be made in each intermediate application in the chain of prior applications. If an applicant desires, for example, the following benefit claim: "this application is a continuation of Application No. C, file —, which is a continuation of Application No. B, filed —, which claims the benefit of provisional Application A, filed —," then Application No. C must have a reference to Application No. B and provisional application No. A, and Application No. B must have a reference to provisional Application No. A (Emphasis added.)

In the present case, the first paragraph of the specification has been amended to state that U.S. Application Number 09/605,599 is a continuation in part of U.S. Application Number

09/293,392. However, a review of Office records indicates that U.S. Application Number 09/605,599 does not contain an appropriate reference to U.S. Application Number 09/293,392. Accordingly, the amendment to the specification is not acceptable at the present time. The application data sheet filed with the renewed petition is defective for the same reason.

Accordingly, before the petition under 37 CFR § 1.78(a)(3) can be granted, U.S. application 09/605,599 must be amended to include the necessary reference as discussed above.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office";

By mail: Mail Stop PCT LEGAL ADMINISTRATION
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: Customer Window located at:
 Mail Stop PCT
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By fax: 571-273-0459
 ATTN: Office of PCT Legal Administration

Any questions concerning this matter may be directed to Cynthia Kratz at (571) 272-3286.

/Bryan Lin/
Byran Lin
PCT Legal Examiner
Office of PCT Legal Administration



UNITED STATES PATENT AND TRADEMARK OFFICE

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MAY 05 2011

PCT LEGAL ADMINISTRATION

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PEPPER HAMILTON LLP
ONE MELLON CENTER, 50TH FLOOR
500 GRANT STREET
PITTSBURGH PA 15219

In re Application of KAESEMEYER :
Application No.: 10/258,633 : DECISION ON PETITION
Filing Date: 24 October 2002 :
Attorney Docket No.: 126625.00710 : UNDER 37 CFR 1.78(a)(3)
For: CONTROLLED RELEASE ARGININE :
FORMULATIONS :

This is a decision on Petitioner's "Request for Reconsideration of Petition to Accept an Unintentionally Delayed Claim of Priority Under 37 CFR 1.78(a)(3)", filed 31 March 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the nonprovisional application identified in the concurrently filed amendment to the specification.

At the time of filing the present application, applicant did not make a proper claim for domestic priority. Thus, the filing of a petition under 37 CFR 1.78(a)(3) is necessary. Such petition is hereby **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the prior-filed nonprovisional application has been included in an amendment to the first sentence of the specification following the title, as provided by 37 CFR 1.78(a)(2)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. §§ 120 to the prior-filed nonprovisional application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this instant application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt

accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

Any inquiries concerning this decision may be directed to Cynthia M. Kratz at (571) 272-3286. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 1618 for appropriate action, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. 120 to the prior-filed nonprovisional application.

/Bryan Lin/
Bryan Lin
Legal Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/258,965	10/28/2002	Vito Sgaraglino	Click-1	7469
<div>Douglas E Mackenzie P O Box 1295 Mountain View, CA 94042</div>				
7590		02/09/2012		
<div>EXAMINER ALAM, MUSHFIKH I</div>				
ART UNIT		PAPER NUMBER		
2426				
MAIL DATE		DELIVERY MODE		
02/09/2012		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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Douglas E. Mackenzie
P.O. Box 1295
Mountain View, CA 94042

In re Application of:
Vito Sgaraglino
Application No. 10/258,965
Filed: October, 28 2002
For: Multiple Response Means For Interactive
Advertising and Information Systems

MAILED

FEB 09 2012

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

DECISION ON PETITION
UNDER 37 C.F.R. § 1.181

This is a decision on the petition filed October 25, 2011 under 37 CFR § 1.181 to invoke Supervisory Authority of the Commissioner and require the Examiner to withdraw the finality of the rejection mailed April 25, 2011.

The petition is **GRANTED**

In the petition, Applicant's counsel alleged that: (1) the grounds of rejection were not clearly developed and cited MPEP 706.07, (2) the examiner failed to "answer all material traversed" and cited MPEP 707.07 (f), and (3) the restriction requirement was improper because the requirement was not made before final action as required by 37 CFR 1.142.

MPEP 706.07(a) states in part:

.... a second action on the merits shall be made final, except for where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims, nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).

MPEP § 1201 states, in part:

The line of demarcation between appealable matters for the Board of Patent Appeals and Interferences (Board) and petitionable matters for the Director of the U.S. Patent and Trademark Office (Director) should be carefully observed. The Board will not ordinarily hear a question that should be decided by the Director on petition, and the Director will not ordinarily entertain a petition where the question presented is a matter appealable to the Board ...

37 C.F.R. § 1.181(f) states, in part:

The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings. Any petition ...

A review of the file record in the instant application and the petition indicates that there is a disagreement between the examiner and applicant's counsel on how to interpret the limitations in claims 51, 96 and 104 pertaining to wireless device\telephone limitation. Claims 96 and 104 have been rejected under 35 U.S.C. §§ 102(b) or 103(a). Thus, it is apparent that such a disagreement regarding claim interpretation and rejection is appealable, not a petitionable matter.

With regards to the restriction requirement of claim 51, 37 C.F.R. § 1.181(c) requires that for an action by an examiner to be properly petitionable, the petition must be followed by a request for reconsideration, and an action repeated by the examiner. 37 C.F.R. § 1.144 states that the applicant may petition the Commissioner after a final requirement for the restriction has been made.

Although the petition is directed to impropriety of the Final Action and a petition to withdraw an improper restriction is pre-mature (as indicated above), the restriction requirement was reviewed to expedite prosecution of this application.

MPEP § 803 sets forth two criteria for a proper restriction requirement between patentably distinct inventions: (A) the inventions must be independent or distinct as claimed and (B) there must be a serious burden on the examiner.

Thus, to be proper, (A) current independent claim 51 should be a distinct invention from originally filed dependent claim 51. A review of the file reveals that previously presented dependent claim 51 was amended in independent form to include limitations from independent claim 48 and intervening claim 49 and (B) there must be a serious burden on the examiner to search and consider these additional features beyond the search and consideration required for the original claims.

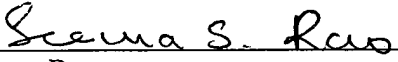
Since the limitations of independent claim 51 has already been searched and considered, the invention in the restriction requirement is not distinct and there would be no serious additional burden on the examiner to consider these limitations.

In conclusion, since the restriction requirement is improper and claim 51 was withdrawn from considerations, the April 25, 2011 final rejection is incomplete and is hereby withdrawn.

Accordingly, the petition is **GRANTED**

The application will be forwarded to the examiner for considerations of claim 51 and review of appellant's arguments.

Any inquiry concerning this decision should be directed to Christopher Grant at (571) 272-7294.



Seema Rao
Director, Technology Center 2400
Networking, Multiplexing, Cable and Security



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LEVEL 3 COMMUNICATIONS, LLC
C/O CPA GLOBAL
P.O. BOX 52050
MINNEAPOLIS MN 55402

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AUG 03 2010

OFFICE OF PETITIONS

In re Application of	:	
Stolorz et al.	:	
Application Number: 10/259497	:	ON PETITION
Filing Date: 09/30/2002	:	
Attorney Docket Number: 0093-	:	
US-U1	:	

This is a decision in reference to the renewed petition filed on May 6, 2010, which are treated as (a) a petition under 37 CFR 1.48(a)(1) requesting a person be added as a named inventor and (b) a petition under 37 CFR 1.183 requesting waiver of 37 CFR 1.64 which requires that a named inventor execute a supplemental declaration.

The petition is **GRANTED**.

On September 30, 2002, the above-identified application was filed with a declaration naming Paul E. Stolorz, John K. Salmon, Michael S. Warren, Jeffrey Koller, Aric Hagberg, Maksim Yevmenkin, Mark Brady, and David Pfitzner as joint inventors.

On May 27, 2009, the initial petitions were filed. Petitioners request that Ted Middleton be added as a named inventor under 37 CFR 1.48(a)(1). Petitioners also request waiver under 37 CFR 1.183 of 1.64 in that three named inventors, Stolorz, Salmon, and Hagberg, refuse to execute the supplemental declaration naming them as joint inventors.

On April 5, 2010, the petition were dismissed.

On May 6, 2010, the subject renewed petitions were filed. Petitioners aver that joint inventor Salmon has signed the

supplemental declaration, but that joint inventors Stolorz and Hagberg have failed to sign and return the executed declaration.

A new declaration signed by joint inventor Yevmenkin has also been supplied.

Petition Under 37 CFR 1.48(a).

37 CFR 1.48(a) requires that an amendment to the named inventive entity be accompanied by:

(1) a petition including a statement from each person being added and each person being deleted as an inventor that the error occurred without deceptive intention on his or her part;

(2) an oath or declaration by each actual inventor or inventors as required by 37 CFR 1.63 or as permitted by 37 CFR 1.42, 1.43 or 1.47;

(3) the fee set forth in 37 CFR 1.17(i), and

(4) the written consent of any existing assignee, if any of the originally named inventors has executed an assignment.

As such, the petition under 37 CFR 1.48 is granted with respect to the addition of Ted Middleton as a named inventor.

Petition Under 37 CFR 1.183 to waive 1.64.

In view of the efforts recounted in the petition to obtain the signatures of Paul E. Stolorz and Aric Hagberg, it is agreed that justice would be served by waiving the requirement for their signatures on the supplemental declaration.

The inventorship will be as stated in the attached corrected filing receipt.

The address in the renewed petition is different than the correspondence address. A courtesy copy of this decision is being mailed to the address in the petition. All future correspondence will be mailed solely to the address of record. A change of correspondence address should be filed if the correspondence address needs to be updated.

The application is referred to Technology Center Art Unit 2451 for further processing.

Application No. 10/259,497

3

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Encl: Corrected Filing Receipt

Cc: DAVIDSON BERQUIST JACKSON & GOWDEY LLP
4300 WILSON BLVD, 7TH FLOOR
ARLINGTON VA 22203



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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
10/259,497	09/30/2002	2451	3508	0093-US-U1	80	10

CONFIRMATION NO. 5284

CORRECTED FILING RECEIPT



0000000042825090

83579

LEVEL 3 COMMUNICATIONS, LLC
c/o CPA Global
P.O. Box 52050
Minneapolis, MN 55402

Date Mailed: 08/03/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Paul E. Stolorz, Thousand Oaks, CA;
John K. Salmon, Altadena, CA;
Michael S. Warren, Santa Fe, NM;
Jeffrey Koller, Torrance, CA;
Aric Hagberg, Santa Fe, CA;
Maksim Yevmenkin, Thousand Oaks, CA;
Mark Brady, Thousand Oaks, CA;
David Pfitzner, Thousand Oaks, CA;
Ted Middleton, Moorpark, CA;

Assignment For Published Patent Application

Cable & Wireless Internet Services, Inc., San Francisco, CA

Power of Attorney: The patent practitioners associated with Customer Number 83579

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/325,177 09/28/2001

Foreign Applications

If Required, Foreign Filing License Granted: 10/28/2002

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/259,497**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

CONFIGURABLE ADAPTIVE GLOBAL TRAFFIC CONTROL AND MANAGEMENT

Preliminary Class

709

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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APR 03 2012

OFFICE OF PETITIONS

**MR JAY CANTWELL
WATERJET TECH INC.
1803 BELTWAY DRIVE
ST. LOUIS MO 63114**

In re Patent No. 6,666,255
Issue Date: December 23, 2003
Application No. 10/260,349
Filed: October 1, 2002
Attorney Docket No. 006185.00007

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:
:
:

ON PETITION

This is a decision on the petition under 37 CFR 1.378(c), filed February 6, 2012, to accept the delayed payment of a maintenance fee for the above-identified patent.

The petition is **DISMISSED**.

Any petition for reconsideration of this decision must be accompanied by the petition fee of **\$400** as set forth in 37 CFR 1.17(f). The petition for reconsideration must include the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A petition to accept the unintentionally delayed payment of a maintenance fee under 35 U.S.C. 41(c) and 37 CFR 1.378(c) must be accompanied by: (1) a statement that the delay was unintentional; (2) payment of the appropriate maintenance fee, unless previously submitted; and (3) payment of the surcharge set forth in 37 CFR 1.20(i)(2). This petition lacks item (3) above.

With respect to item (3): A review of the Office record shows that the maintenance fee submitted with the petition filed February 6, 2012, is insufficient in that the fee paid was \$1240 for the seven and one half year maintenance fee and the current fee is **\$1425**. An additional balance of **\$185** for the maintenance fee and a fee of **\$400**, as indicated above, should be submitted with any future request for reconsideration. Absent the proper fee, the petition filed February 6, 2012, cannot be considered as meeting the requirements as set forth in 37 CFR 1.378(c). No consideration can be given until the required fee deficiency is remitted.

If reconsideration of this decision is desired, a petition for reconsideration under 37 CFR 1.378(e) must be filed within **TWO (2) MONTHS** from the mail date of this decision. No extension of this two-month time limit can be granted under 37 CFR 1.136(a) or (b). This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries should be directed to the undersigned at (571) 272-6735.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions



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C. ROBERT VON HELLENS
CAHILL SUTTON & THOMAS P.L.C.
2141 EAST HIGHLAND, SUITE 155
PHOENIX, AZ 85016

MAILED
OCT 24 2011
OFFICE OF PETITIONS

In re Patent No. 6,716,035 :
Issue Date: April 6, 2004 :
Application No. 10/260,915 :
Filed: September 30, 2002 :
Attorney Docket No. 6147-A-3 :


NOTICE .

This is in response to the paper filed September 23, 2011, which is being treated under 37 CFR 1.28(g)(2) requesting that status as a Small Entity be removed.

In accordance with the September 23, 2011 request, status as a Small Entity has been removed.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Inquiries related to this communication should be directed to Irvin Dingle at (571) 272-3210.


Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Law Office of Mikio Ishimaru
2055 Gateway Place, Suite 700
San Jose, CA 95110

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20101102

DATE : November 02, 2010

TO SPE OF : ART UNIT 3655

SUBJECT : Request for Certificate of Correction on Patent No.: 6811510

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - ST (South Tower) 9A22

Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☐ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☒ **Denied**

State the reasons for denial below.

Comments:

The requested changes to the dependency of claims 10 and 14 will cause changes to the scopes of the present claims 10 and 14.

/DAVID D LE/
Supervisory Patent Examiner.Art Unit 3655
11/02/2010



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Date Mailed : 11/28/10

Patent No. : 6811510 B1
Patent Issued : 11/02/04
Docket No. : **36400.41US2**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322.

Respecting the alleged errors in the documents filed on 09/27/10; please see attachments.

"Therefore, no correction(s) is in order here under United States Codes (U.S.C.) 254 and the Code of Federal Regulation (C.F.R.) 1322."

In view of the foregoing, your request in this matter is hereby denied.

A handwritten signature in cursive script, reading "Lamonte M. Newsome".

Lamonte M. Newsome
For Mary Diggs, Supervisor
Decisions & Certificates
Of Correction Branch
(703) 756-1814 or (703) 756-1574

PATENT ADMINISTRATOR
NEAL, GERBER, & EISENBERG
SUITE 1700
2 NORTH LASALLE STREET
CHICAGO IL 60602

LMN

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20101102

DATE : November 02, 2010

TO SPE OF : ART UNIT 3655

SUBJECT : Request for Certificate of Correction on Patent No.: 6811510

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within 7 days to:

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With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☐ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☒ **Denied**

State the reasons for denial below.

Comments:

The requested changes to the dependency of claims 10 and 14 will cause changes to the scopes of the present claims 10 and 14.

/DAVID D LE/
Supervisory Patent Examiner.Art Unit 3655
11/02/2010

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
7144384	2006-12-05	10261003	2002-09-30	INSL-0133

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|---------------------------------|-----|--------|
| <input type="radio"/> 3 ½ year | | (1551) |
| <input type="radio"/> 7 ½ year | | (1552) |
| <input type="radio"/> 11 ½ year | | (1553) |

Small Entity

- | | Fee | Code |
|---|-----|--------|
| <input checked="" type="radio"/> 3 ½ year | | (2551) |
| <input type="radio"/> 7 ½ year | | (2552) |
| <input type="radio"/> 11 ½ year | | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/R. Anthony Diehl/	Date (YYYY-MM-DD)	2011-01-25
Name	R. Anthony Diehl	Registration Number	38432
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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In re Patent No.	7144384	:
Issue Date:	December 5, 2006	:
Application No.	10261003	:DECISION GRANTING PETITION
Filed:	September 30, 2002	:UNDER 37 CFR 1.378(c)
Attorney Docket No.	INSL-0133	:

This is a decision on the electronic petition, filed January 25, 2011, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of January 25, 2011. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : June 13,2011

In re Application of :

David Larson

Application No : 10261126

Filed : 30-Sep-2002

Attorney Docket No : 2069.004196

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed June 13,2011 , to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee(s) Due. The date of abandonment is the day after the expiration date of the period set for reply in the Notice.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee and the Publication Fee (if necessary); (2) the petition fee as set forth in 37 CFR 1.17 (m); (3) the drawing correction and/or other deficiencies (if necessary); and (4) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Office of Data Management.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	
Application Number	10261126	
Filing Date	30-Sep-2002	
First Named Inventor	David Larson	
Art Unit	2443	
Examiner Name	ALINA BOUTAH	
Attorney Docket Number	2069.004196	
Title	METHOD AND APPARATUS FOR ACCESSING VARIABLE SIZED BLOCKS OF DATA	
<p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <ol style="list-style-type: none"> (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications; (4) Statement that the entire delay was unintentional. 		
<p>Petition fee</p> <p>The petition fee under 37CFR 1.17(m) is attached.</p> <p> <input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27. <input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2). <input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY. <input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY. </p>		
<p>Issue Fee and Publication Fee :</p> <p>Issue Fee and Publication Fee are not due.</p> <p> <input checked="" type="checkbox"/> Issue Fee Transmittal is attached </p>		
<p>Drawing corrections and/ or other deficiencies.</p>		

- ☒ Drawing corrections and/ or other deficiencies are not required
- ☐ I certify, in accordance with 37 CFR 1.4.(D)(4), that drawing corrections and/ or other deficiencies have previously been filed on
- ☐ Drawing corrections and/ or other deficiencies are attached.

☒ STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.
- ☐ A joint inventor; all of whom are signing this e-petition.
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/Scott F. Diring/
Name	Scott F. Diring
Registration Number	35119



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BRUCE H. TROXELL
SUITE 1404
5205 LEESBURG PIKE
FALLS, CHURCH VA 22041

MAILED

OCT 20 2010

OFFICE OF PETITIONS

In re Patent No: 7,184,435
Issue Date : February 27, 2007
Application No. 10/261,693
Filed: October 2, 2002
Attorney Docket No. BHT-3167-69

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission September 1, 2010, under the provisions of 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

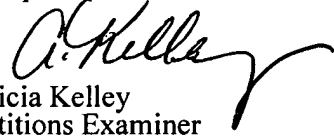
There is no indication that the request is signed by a registered patent attorney or patent agent of record. However, in accordance with 37 CFR 1.34, the signature of Mr. Joe McKinney Muncy appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts. If, Mr. Muncy desires to receive correspondence regarding this file, the appropriate power of attorney documents must be submitted. A courtesy copy of this decision is being mailed to Mr. Muncy, the petitioner herein. However, until otherwise instructed, all future correspondence regarding this application file will be directed solely to the above-noted correspondence address of record.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-6059.

The patent file will be forwarded to the Files Repository.


Alicia Kelley
Petitions Examiner
Office of Petitions

cc: JOE MCKINNEY MUNCY
MUNCY, GEISLER, OLDS & LOWE, PLLC
P.O. BOX 1364
FAIRFAX, VA 22038-1364

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6621443	2003-09-16	10/262,000	2002-10-01	A35163 073621.0109

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|----------------------------------|-----------|--------|
| <input type="radio"/> | 3 ½ year | (1551) |
| <input checked="" type="radio"/> | 7 ½ year | (1552) |
| <input type="radio"/> | 11 ½ year | (1553) |

Small Entity

- | | Fee | Code |
|-----------------------|-----------|--------|
| <input type="radio"/> | 3 ½ year | (2551) |
| <input type="radio"/> | 7 ½ year | (2552) |
| <input type="radio"/> | 11 ½ year | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/Kendal M. Sheets/	Date (YYYY-MM-DD)	2011-09-29
Name	Kendal M. Sheets	Registration Number	47077
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

Privacy Act Statement

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The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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In re Patent No. 6621443
Issue Date: September 16, 2003
Application No. 10262000
Filed: October 1, 2002
Attorney Docket No. A35163 073621.0109

:

:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)

:

This is a decision on the electronic petition, filed September 29, 2011, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 7.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of September 29, 2011. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.



UNITED STATES PATENT AND TRADEMARK OFFICE

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Zilka-Kotab, PC
P.O. Box 721120
San Jose, CA 95172-1120

MAILED

APR 11 2011

OFFICE OF PETITIONS

In re Application of
Lee Codel Lawson Tarbotton, et al.
Application No. 10/262,307
Filed: September 30, 2002
Attorney Docket No. **NAI1P319/02.132.01**

:
:
: **DECISION ON PETITION**
: **TO WITHDRAW**
: **FROM RECORD**
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 24, 2011.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Zilka-Kotab, PC has been revoked by the assignee of the patent application on March 12, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Patent Capital Group**
6119 McCommas Blvd
Dallas TX 75214



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Paper No.

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

MAILED

SEP 14 2010

OFFICE OF PETITIONS

In re Application of :
Rowe :
Application No. 10/262,403 : ON APPLICATION FOR
Filed: September 30, 2002 : PATENT TERM ADJUSTMENT
Patent No. 7,613,504 :
Issued: November 3, 2009 :
Atty Docket No. : 020204- :
000300US :
Title: SPECTROSCOPIC CROSS- :
CHANNEL METHOD AND APPARATUS :
FOR IMPROVED OPTICAL :
MEASUREMENTS OF TISSUE :

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT DETERMINATION UNDER 37 C.F.R. § 1.705(d)," filed May 18, 2010. Patentee requests that the patent term adjustment be increased from one thousand, one hundred and eighty-nine (1189) days to one thousand, one hundred and ninety (1190) days.

The request for reconsideration of the patent term adjustment under 37 C.F.R. § 1.705(b) is DISMISSED.

Application No. 10/262,403 matured into U.S. patent No. 7,613,504 on November 3, 2009, with a patent term adjustment of 928 days. On March 16, 2010, Patentee filed a Request for Recalculation of Patent Term Adjustment in view of Wyeth. On April 21, 2010, the Office mailed a "DECISION ON REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT IN VIEW OF WYETH AND NOTICE OF INTENT TO ISSUE CERTIFICATE OF CORRECTION," indicating that the patent term adjustment had been determined to be 1189 days.

As the period from the filing date of the request for continued examination (RCE) to the issue date of the patent is not included in the "B" delay period, the over three year period begins on October 1, 2005 and ends on March 23, 2009, the day

before the first RCE was filed, which amounts to 1270 (not 1271)¹ days. See U.S.C. 154(b)(1)(B)(i). As such, the patent term adjustment is 1189, not 1190 days. In view thereof, the patent term adjustment of 1189 days as set forth in the mailing of April 21, 2010 is correct.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or Patentee an opportunity to be heard. Accordingly, Patentee is given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The Office acknowledges submission of the \$200.00 fee set forth in 37 C.F.R. § 1.18(e). No additional fees are required. Any response to this decision should indicate in a prominent manner that the attorney handling this matter is Paul Shanowski, and may be submitted by mail,² hand-delivery,³ or facsimile.⁴ Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.⁵

The Certificates of Correction Branch has been advised of this decision. This application is being referred to the Certificates of Correction Branch for issuance of a certificate of correction, as set forth in the mailing of April 21, 2010. Telephone inquiries regarding this decision may directed to Senior Attorney Paul Shanowski at (571) 272-3225.⁶



Anthony Knight
Director
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

¹ See petition, page 2.

² Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

³ Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.

⁴ (571) 273-8300 - please note this is a central facsimile number.

⁵ <https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html>

⁶ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,613,504 B2

DATED : November 3, 2009

DRAFT

INVENTOR(S) : Rowe

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 928 days

Delete the phrase "by 928 days" and insert – by 1189 days--



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CRAWFORD MAUNU PLLC
1150 NORTHLAND DRIVE, SUITE 100
ST. PAUL MN 55120

MAILED

OCT 06 2010

OFFICE OF PETITIONS

In re Patent No. 6,998,652
Issue Date: February 14, 2006
Application No. 10/262,729
Filed: October 1, 2002
Attorney Docket No. TRAM.014PA

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.


Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Petitioner made a payment of \$620, representing the deficiency of \$490.00 and the surcharge of \$130.00 on July 26, 2010. The current 3½ year (large entity) maintenance fee is \$980.00. There is no surcharge required for late payment of maintenance fee when notifying the office the change of entity. Therefore, the \$130.00 is being credited to petitioner's deposit account.

The person signing the petition requests a change of correspondence address to the address given in the petition. There is, however, no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney documents must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3213.


Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

cc: Wesley Webostad
The Webostad Firm, A Professional Corporation
150 North Wiget Lane, Suite 200
Walnut Creek, CA 94598

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
7005038	2006-02-28	10/263,774	2002-10-04	012138-0290595

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|---------------------------------|-----|--------|
| <input type="radio"/> 3 ½ year | | (1551) |
| <input type="radio"/> 7 ½ year | | (1552) |
| <input type="radio"/> 11 ½ year | | (1553) |

Small Entity

- | | Fee | Code |
|---|-----|--------|
| <input checked="" type="radio"/> 3 ½ year | | (2551) |
| <input type="radio"/> 7 ½ year | | (2552) |
| <input type="radio"/> 11 ½ year | | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/e. rico hernandez/	Date (YYYY-MM-DD)	2010-09-30
Name	E. Rico Hernandez	Registration Number	47641
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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P.O. Box 1450
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In re Patent No.	7005038	:
Issue Date:	February 28, 2006	:
Application No.	10263774	:DECISION GRANTING PETITION
Filed:	October 4, 2002	:UNDER 37 CFR 1.378(c)
Attorney Docket No.	P 290595 14NP	:

This is a decision on the electronic petition, filed September 30, 2010, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of September 30, 2010. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

PAPER NO.:

DATE : 9/27/10

TO SPE OF : ART UNIT: **2467 Attn: MOORE JR MICHAEL J**

SUBJECT : Request for Certificate of Correction for Appl. No.: **10/263858** Patent No. : **7362717**

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square Building (RSQ)
2800 South Randolph Street, Suite 9XXXX
Arlington, VA 22206
PALM Location 7580

Please check the attached Drawings

Tasneem Siddiqui

Certificates of Correction Branch
703-756-1593

Thank You for Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

_____**/Pankaj Kumar/**_____

SPE

_____**2467**_____

Art Unit



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**MODERN TIMES LEGAL
ONE BROADWAY, 14TH FLOOR
CAMBRIDGE MA 02142**

**MAILED
JUN 23 2011
OFFICE OF PETITIONS**

Patent No. 6,865,245 :
Issued: March 8, 2005 :
Application No. 10/264,098 : **RESPONSE TO PETITION**
Filed: October 3, 2002 :
Attorney Docket No. mit-09967 (23395-015) :

This is a response to the petition under 37 CFR 1.59(b), filed April 18, 2011, to expunge information from the above identified application.

The petition is dismissed.

Petitioner requests that the Request for Certificate of Correction, filed March 25, 2011, be expunged from the above identified application. The petition submits that this information was unintentionally submitted in the above identified application.

37 CFR 1.59 states in part:

- (a)(1) Information in an application will not be expunged, except as provided in paragraph (b) of this section or § 41.7(a) of this title.
- (2) Information forming part of the original disclosure (i.e., written specification including the claims, drawings, and any preliminary amendment specifically incorporated into an executed oath or declaration under §§ 1.63 and 1.175) will not be expunged from the application file.
- (b) An applicant may request that the Office expunge information, other than what is excluded by paragraph (a)(2) of this section, by filing a petition under this paragraph. Any petition to expunge information from an application must include the fee set forth in § 1.17(g) and establish to the satisfaction of the Director that the expungement of the information is appropriate in which case a notice granting the petition for expungement will be provided.

The standards for expunging information that is unintentionally submitted in an application, including the standards for establishing that the expungement of the information is appropriate, is discussed in MPEP section 724.05 II. This section states that a petition may be filed under 37 CFR 1.59(b), provided that:

- (A) the Office can effect such return prior to the issuance of any patent on the application in issue;
- (B) it is stated that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted;
- (C) the information has not otherwise been made public;
- (D) there is a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted;
- (E) it is established to the satisfaction of the Director that the information to be returned is not material information under 37 CFR 1.56; and
- (F) the petition fee as set forth in 37 CFR 1.17(g) is included.

Since a patent has already been issued on the above-identified application, requirement (A) above cannot be satisfied and the information will not be expunged as requested.

Also, the application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this communication should be directed to the undersigned at (571) 272-6692.



Christopher Bottorff
Petitions Examiner
Office of Petitions

cc: Gauthier & Conners LLP
225 Franklin Street, Suite 2300
Boston, Massachusetts 02110



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO, CA 92121

Mail Date: 08/03/2010

Applicant	: Da-shan Shiu	: DECISION ON REQUEST FOR
Patent Number	: 7653028	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 10/264,434	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/03/2002	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **51** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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GREENBLUM & BERNSTEIN PLC
1950 ROLAND CLARKE PLACE
RESTON VA 20191

MAILED

APR 25 2011

OFFICE OF PETITIONS

In re	:	DECISION ON APPLICATION
Karwowski, et al.	:	FOR PATENT TERM ADJUSTMENT
Application No. 10/264,561	:	AND NOTICE OF INTENT
Filed: October 4, 2002	:	TO ISSUE
Patent No. 7,867,537	:	CERTIFICATE OF CORRECTION
Issued: January 11, 2011	:	

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR 1.705(b)", filed March 1, 2011, which is properly treated under 37 CFR 1.705(d). Patentees request that the patent term adjustment under 35 U.S.C. 154(b) be corrected from one thousand three hundred ninety-two (1392) days to one thousand five hundred twelve (1512) days.

The application for patent term adjustment is GRANTED.

The Patent Term Adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of **one thousand five hundred twelve (1512) days**.

On February 25, 2010, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the instant application. The Notice stated that the patent term adjustment (PTA) to date was eight hundred fourteen (814) days. On May 21, 2010, Applicants filed a "LETTER OF GOOD FAITH & CANDOR CONCERNING CALCULATION OF PATENT TERM ADJUSTMENT (PTA)", which

was a candor letter indicating that the 814 days of patent term accorded was thought to be longer than appropriate. On January 11, 2011, the application issued into Patent No. 7,867,159, with a patent term adjustment of one thousand three hundred ninety-two (1392) days.

A review of the file reveals that Applicants were assessed delay of one hundred twenty (120) days for filing the "LETTER OF GOOD FAITH & CANDOR CONCERNING CALCULATION OF PATENT TERM ADJUSTMENT (PTA)" on May 21, 2010. Pursuant to 37 C.F.R. § 1.704(e), the submission of an application for patent term adjustment will not be considered a failure to engage in reasonable efforts to conclude prosecution of the application. Likewise, the submission of a candor letter will not be considered a failure to engage in reasonable efforts to conclude prosecution of the application. Accordingly, zero (0) days should have been assessed for this filing.

In view thereof, the correct determination of patent term adjustment is one thousand five hundred twelve (1512) days (1548 days of PTO delay, reduced by 36 days of applicant delay).

The \$200 fee has been charged to Deposit Account No. 19-0089, as authorized. Petitioner's request for waiver of this fee is dismissed, as the fee is required for the Office's consideration of the application for patent term adjustment.

The application is being forwarded to the Certificate of Corrections Branch for issuance of a certificate of correction, indicating a Patent Term Adjustment of **one thousand five hundred twelve (1512) days**.

Telephone inquiries specific to this matter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.



Anthony Knight
Director
Office of Petitions

Enclosure: draft Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
DRAFT CERTIFICATE OF CORRECTION

PATENT : 7,867,537 B2

DATED : January 11, 2011

INVENTOR(S) : Karwowski et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 1392 days.

Delete the phrase "by 1392 days" and insert – by 1512 days--



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PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND OH 44114-3108

MAILED
OCT 27 2011
OFFICE OF PETITIONS

In re Patent No. 7,101,495
Issue Date: September 5, 2006
Application No. 10/264,621
Filed: October 4, 2002
Attorney Docket No. BRE-35061

DECISION ON PETITION

This is a decision on the Request To Correct Assignee Under 37 CFR 3.81(b), which is being treated as a Petition Under 37 CFR §3.81(b), filed May 5, 2008, to accept the omission of the second assignee's name. A completed Certificate of Correction Form (PTO/SB/44) was submitted with Petition.

The petition under 37 CFR §3.81(b) is **GRANTED**.

Petitioner requests that the present petition was submitted to accept the omission of the second assignee's name on the previously submitted PTOL-85B and such error was inadvertent. Accordingly, petitioner requests that a Certificate of Correction (PTO/SB/44) be issued to add the omitted second assignee's name to the Title Page of the Letters Patent.

37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in §3.11 before issuance of the patent, and must include a request for a certificate of correction under §1.323 of this chapter (accompanied by the fee set forth in §1.20(a) and the processing fee set forth in §1.17(i) of this chapter.

U.S. Patent No. 7,101,495
Application No. 10/264,621
Decision on Petition under 37 CFR §3.81(b)

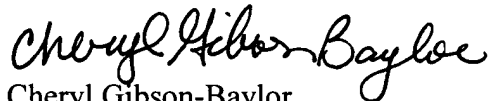
Page 2

The requisite \$100.00 fee (Fee Code 1811), as set forth under 37 CFR 1.20(a), has been submitted. However, the requisite \$130.00 processing fee (Fee Code 1464), as set forth under 37 CFR 1.17(i), is required. Therefore, since the petition was accompanied deposit account authorization, the fee has been charged. Further, Office assignment records are consistent with the requested correction. Accordingly, since the Petition complies with the provisions of 37 CFR §3.81(b), it is appropriate for the Office to issue a Certificate of Correction in accordance with the content of the Form (PTO/SB/44) submitted with the petition.

Inquiries related this communication should be directed to the undersigned at (571)272-3213.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (703)756-1814.

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. 7,101,495.

A handwritten signature in cursive script, reading "Cheryl Gibson-Baylor".

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
7139837	2006-11-21	10264803	2002-10-04	3066-003

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

- | | Fee | Code |
|----------------------------------|-----------|--------|
| <input checked="" type="radio"/> | 3 ½ year | (1551) |
| <input type="radio"/> | 7 ½ year | (1552) |
| <input type="radio"/> | 11 ½ year | (1553) |

Small Entity

- | | Fee | Code |
|-----------------------|-----------|--------|
| <input type="radio"/> | 3 ½ year | (2551) |
| <input type="radio"/> | 7 ½ year | (2552) |
| <input type="radio"/> | 11 ½ year | (2553) |

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office
- ☐ A sole patentee
- ☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- ☐ A joint patentee; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/Jay A. Bondell/	Date (YYYY-MM-DD)	2011-01-24
Name	Jay A. Bondell	Registration Number	28188
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Patent No. 7139837 :
Issue Date: November 21, 2006 :
Application No. 10264803 :DECISION GRANTING PETITION
Filed: October 4, 2002 :UNDER 37 CFR 1.378(c)
Attorney Docket No. IPL-001 :

This is a decision on the electronic petition, filed January 24, 2011, under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of January 24, 2011. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LACKENBACH SEIGEL, LLP
LACKENBACH SEIGEL BUILDING
SCARSDALE, NY 10583

MAILED

JAN 03 2011

In re Patent No. 6,263,508
Issue Date: July 24, 2001
Application No. 10/264,925
Filed: August 18, 1995
Attorney Docket No.

:
:
:
:
:

OFFICE OF PETITIONS

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.378(c), filed October 1, 2010, to accept the unintentionally delayed payment of a maintenance fee for the above-identified patent.


The petition is **GRANTED**.

This patent expired on midnight July 24, 2009, for failure to pay the seven and one-half year (7 ½ year) maintenance fee. Since this petition was submitted within twenty-four months after the six-month grace period provided in 37 CFR 1.362(e), the petition was timely filed under the provisions of 37 CFR 1.378(c).

The maintenance fee is hereby accepted and the above-identified patent is reinstated as of the mail date of this decision.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-0602.

The patent file is being forwarded to Files Repository.


Thurman K. Page
Office of Petitions
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LACKENBACH SEIGEL, LLP
LACKENBACH SEIGEL BUILDING
1 CHASE ROAD
SCARSDALE, NY 10583

MAILED

AUG 02 2010

OFFICE OF PETITIONS

In re Patent No. 6,263,508	:	
Issue Date: July 24, 2001	:	
Reissue Application No. 10/264,925	:	ON PETITION
Filed: August 18, 1995	:	
Attorney Docket No.	:	

This is a decision on the petition under 37 CFR 1.378(c), filed May 26, 2010, to accept the unavoidably delayed payment of a maintenance fee for the above-identified patent.

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration under 37 CFR 1.378(e) must be filed within TWO (2) MONTHS from the mail date of this decision. No extension of this 2-month time limit can be granted under 37 CFR 1.136(a) or (b). Any such petition for reconsideration must be accompanied by the petition fee of \$400 as set forth in 37 CFR 1.17(f). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, the Director will undertake no further reconsideration or review of the matter.

The patent issued on July 24, 2001. Patentee could have paid the seven and one-half (7 1/2) year maintenance fee between July 24, 2008 and January 24, 2009, without a surcharge or within the six (6) month grace period between January 25, 2005 and July 24, 2009. Patentee failed to do so; accordingly, the patent became expired on midnight July 24, 2009.

Patentee files the petition to pay the seven and one-half year and the eleven and one-half year maintenance fees based on unintentional delay.

37 CFR 1.378(c), requires a showing that the delay in paying the maintenance fee was unintentional, with the statement being presented submitted *by all persons with direct knowledge of the cause of the delay*, setting forth the facts as they know them. Copies of all documentary evidence referred to in a statement should be furnished as exhibits to the statement. (Emphasis supplied).

Hence it appears that the petitioning party would not have direct knowledge during the entire period permitted for payment of maintenance fees to establish that the failure to pay maintenance fees was unintentional. Since the petitioning party does not indicate inquiry was made to the previous assignees, the statement of unintentional delay is insufficient.

There is no indication that the petition is signed by a registered patent attorney or patent agent of record. However, in accordance with 37 CFR 1.34, the signature of Mr. Jon H. Muskin appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts. If, Mr. Jon H. Muskin desires to receive correspondence regarding this file, the appropriate power of attorney documents must be submitted. A courtesy copy of this decision is being mailed to Mr. Jon H. Muskin, the petitioner herein. However, until otherwise instructed, all future correspondence regarding this application file will be directed solely to the above-noted correspondence address of record.

By Mail: **Mail Stop PETITION**
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

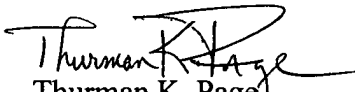
Patent 6,263,508

Page 3

By Hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries should be directed to the undersigned at (571) 272-0602.


Thurman K. Page
Petitions Examiner
Office of Petitions

cc: MUSKIN & CUSICK LLC.
100 WEST MAIN STREET
LANSDALE, PA. 19446



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MARIA S. SWIATEK
DORSEY & WHITNEY, LLP
INTELLECTUAL PROPERTY DEPARTMENT
555 CALIFORNIA STREET
SUITE 1000
SAN FRANCISCO, CA 94104

MAILED
NOV 10 2010
OFFICE OF PETITIONS

In re Patent No. 6,966,250 :
Issue Date: November 22, 2005 :
Application No. 10/265,016 :
Filed: October 3, 2002 :
Attorney Docket No. A-71007AJT :

ON PETITION

This is a decision on the petition under 37 CFR 1.378(c), filed September 28, 2010, to accept the unintentionally delayed payment of a maintenance fee for the above-identified patent.

The petition is **GRANTED**.

This patent expired on November 22, 2009 for failure to pay the 3 ½ year maintenance fee. Since this petition was submitted within twenty-four months after the six-month grace period provided in 37 CFR 1.362(e), the petition was timely filed under the provisions of 37 CFR 1.378(c).

The maintenance fee is hereby accepted and the above-identified patent is reinstated as of the mail date of this decision.

Petitioner will not receive future correspondence related to maintenance fees for the patent unless a "Fee Address" Indication Form (see PTO/SB/47) and Request for Customer Number (see PTO/SB/125) are submitted.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: LEE R. OSMAN
DORSEY & WHITNEY, LLP
370 17TH STREET
SUITE 4700
DENVER, CO 80202

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110502

DATE : May 01, 2011

TO SPE OF : ART UNIT 2163

SUBJECT : Request for Certificate of Correction on Patent No.: 7,908,250

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - ST (South Tower) 9A22

Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments:

Changes to title do not add new matter or change the scope of the claims.

Changes to claims reflect the amendments made in the claims filed 5/24/2010 and therefore do not add new matter or change the scope of the claims.

/don wong/
Supervisory Patent Examiner, Art Unit 2163



Attorney Docket No. 1086.1166

cg/c

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Kohei TERAZONO, et al.

Application No.: 10/265,317

ATTENTION

Confirmation No.: 8231

CERTIFICATE OF CORRECTION

Filed: October 7, 2002

BRANCH

U.S. Patent No.: 7,908,250

Issued: March 15, 2011

For: DIFFERENTIAL DATA FORMING METHOD, PROGRAM, RECORDING MEDIUM, AND APPARATUS

REQUEST FOR CERTIFICATE OF CORRECTION

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Certificate

APR 18 2011

Sir:

of Correction

Patentee(s) respectfully request(s) that a Certificate of Correction be issued in the subject patent, pursuant to 35 U.S.C. §254 and 37 C.F.R. §1.322, to correct the mistakes shown on the attached Form PTO-1050.

Since the mistakes are Patent Office mistakes, it is believed that no fee is required.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 4/13/11

By: [Signature]
J. Randall Beckers
Registration No. 30,358

1201 New York Ave, N.W., 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO : 7,908,250

DATED : March 15, 2011

INVENTOR(S) : Kohei TERAZONO, et al.

First Page Column 1, Line 1 delete "DIFFERENTIAL DATA FORMING" and insert -- DATA SYNCHRONIZATION -- therefor.

Column 1, Line 1 (Title) delete "DIFFERENTIAL DATA FORMING" and insert -- DATA SYNCHRONIZATION --, therefor.

Column 18, Line 9 in Claim 1, after "outputting" delete "the".

Column 18, Line 14 in Claim 1, delete "value previously stored," and insert -- value, --, therefor.

APPROVED: /ML/

MAILING ADDRESS OF SENDER:
STAAS & HALSEY LLP
1201 New York Ave., N.W.
7th Floor
Washington, DC 20005

PATENT NO. 7,908,250

No. of add'l copies
@ 50¢ per page

Ψ



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Paper No.

BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD MI 48075

MAILED

DEC 29 2011

In re Application of : **OFFICE OF PETITIONS**
Nemirow et al. :
Application No. 10/265,350 :
Patent No.: 6,750,619 : **DECISION ON PETITION**
Filed: October 4, 2002 : **PURSUANT TO**
Issued: June 15, 2004 : **37 C.F.R. § 1.28(c)**
Attorney Docket No. BII 0116 :
PUS :
Title: ELECTRONIC BALLAST WITH :
FILAMENT DETECTION :

This is a notice regarding your request for acceptance of a fee deficiency submission pursuant to 37 C.F.R. § 1.28, received on December 14, 2011. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 C.F.R. § 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 C.F.R. § 1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore, nothing in this notice is intended to imply that an investigation was done.

Petitioner has identified the particular type of fee that was erroneously paid as a small entity, when the small entity fee was actually paid, the small entity fee that was actually paid, the deficiency owed amount, and the total deficiency payment owed.

The deficiency payment in the amount of \$1425 has been received.

Your fee deficiency submission pursuant to 37 C.F.R. § 1.28(c) is hereby accepted. The petition is **GRANTED** accordingly.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

It is noted that the address listed on the petition differs from the address of record. The application file does not indicate a change of correspondence address has been filed in this case, although the address given on the petition differs from the address of record. If Petitioner desires to receive future correspondence regarding this patent, the change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to the address which appears on the petition. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence related to this patent unless Change of Correspondence Address, Patent Form (PTO/SB/123) is submitted for the above-identified patent. For Petitioner's convenience, a blank Change of Correspondence Address, Patent Form (PTO/SB/123), may be found at <http://www.uspto.gov/web/forms/sb0123.pdf>.

If appropriate, a change of fee address (form PTO/SB/47) and a request for customer number (form PTO/SB/125) should be filed in accordance with Manual of Patent Examining Procedure, section 2540. A blank fee address form may be found at <http://www.uspto.gov/web/forms/sb0047.pdf>.

It is not apparent whether the person signing the statement which asserts that small entity status was established in good faith was in a position to have firsthand or direct knowledge of the facts and circumstances of the establishment of small entity status. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such establishment. In the event that such an inquiry has not been made, Petitioner must make such an inquiry. If such inquiry results in the discovery that the establishment of small entity status was not made in good faith, Petitioner must notify the Office.


Application No. 10/265,350

Page 3

Patent No.: 6,750,619

Decision on Petition pursuant to 37 C.F.R. § 1.28(c)

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.¹



Paul Shanowski
Senior Attorney
Office of Petitions

cc: Adam M. Treiber
Washington Square, Suite 1100
1050 Connecticut Avenue, N.W.
Washington, DC 20036-5304

¹ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**GRAY ROBINSON
ATTN: STEFAN V. STEIN/ IP DEPT.
201 N. FRANKLIN STREET, SUITE 2200
POST OFFICE BOX 3324
TAMPA FL 33601-3324**

MAILED

MAY 17 2011

OFFICE OF PETITIONS

In re Application of :
Cushing et al. :
Application No. 10/265,564 : **DECISION ON PETITION**
Filed: October 4, 2002 :
Attorney Docket No. 091451.00504 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 18, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before March 9, 2011, as required by the Notice of Allowance and Fee(s) Due mailed December 9, 2010. Accordingly, the date of abandonment of this application is March 10, 2011. A Notice of Abandonment was mailed March 25, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1,510.00 and the publication fee of \$300.00, (2) the petition fee of \$1,620.00 (submitted March 18, 2011); and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to the Office of Data Management for processing into a patent.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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K&L GATES LLP
P.O. BOX 1135
CHICAGO IL 60690

MAILED

FEB 11 2011

OFFICE OF PETITIONS

In re Application: :
Parmer et al. :
Application No. 10/265,666 : **ON PETITION**
Filed: October 8, 2002 :
Attorney Docket No. 3717444-00004 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed January 7, 2011.

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

Joan Olszewski
Petitions Examiner
Office of Petitions